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ACTS
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PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1870,

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,
LIST OF THE CIVIL GOVERNMENT, CHANGES
OF NAMES OF PERSONS,
ETC., ETC., ETC.

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A CONSTITUTION
OR
FORM OF GOVERNMENT
FOR THE
Commonwealth of Massachusetts.

P R E A M B L E .

The end of the institution, maintenance and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying, in safety and tranquillity, their natural rights, and the blessings of life : and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

Objects of government.

The body politic is formed by a voluntary association of individuals : it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them ; that every man may, at all times, find his security in them.

Body politic,
how formed.
Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of his providence, an opportunity, deliberately and peaceably, without fraud, violence or surprise, of entering into an original, explicit and solemn compact with each other ; and of forming a new

constitution of civil government for ourselves and posterity ; and devoutly imploring his direction in so interesting a design, do agree upon, ordain and establish the following *Declaration of Rights and Frame of Government*, as the CONSTITUTION of the COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and natural rights of all men.

ART. I. All men are born free and equal, and have certain natural, essential and unalienable rights ; among which may be reckoned the right of enjoying and defending their lives and liberties ; that of acquiring, possessing and protecting property ; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe.

Protection therein.

And no subject shall be hurt, molested or restrained, in his person, liberty or estate, for worshipping GOD in the manner and season most agreeable to the dictates of his own conscience ; or for his religious profession or sentiments ; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Amendment, Art. XI., substituted for this.

[III.* As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality ; and as these cannot be generally diffused through a community, but by the institution of the public worship of GOD, and of public instructions in piety, religion and morality ; Therefore, to promote their happiness, and to secure the good order and preservation of their Government, the people of this Commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of GOD, and for the support and maintenance of public Protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily.

Legislature empowered to compel provision for public worship ;

* NOTE.—Articles of the original constitution and articles of amendment thereto which have become inoperative, by reason of subsequent amendments, are printed in smaller type and enclosed in brackets: obsolete portions of articles, in some instances confined to a sentence or single word, are covered by brackets, but allowed to stand in type uniform with the matter still in force.

And the people of this Commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

And all moneys, paid by the subject, to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid toward the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

IV. The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign and independent State; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America, in Congress assembled.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive or judicial, are their substitutes and agents, and are at all times accountable to them.

VI. No man, nor corporation or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver or judge, is absurd and unnatural.

VII. Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor or private interest of any one man, family or class of men: Therefore the people alone have an incontestable, unalienable and indefeasible right to institute government; and to reform, alter or totally change the same, when their protection, safety, prosperity and happiness require it.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right at such periods and in such manner as they shall establish

Exclusive right of electing religious teachers secured.

Option as to whom parochial taxes may be paid, unless, &c.

All denominations equally protected. Subordination of one sect to another prohibited.

Right of self-government secured.

Accountability of all officers, &c.

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

Objects of government; right of people to institute and change it.

Right of people to secure rotation in office.

by their frame of government, to cause their public officers to return to private life ; and to fill up vacant places by certain and regular elections and appointments.

All, having the qualifications prescribed, equally eligible to office.

IX. All elections ought to be free ; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

Right of protection and duty of contribution correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection ; to give his personal service, or an equivalent, when necessary : but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this Commonwealth are not contrrollable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Taxation founded on consent.

Private property not to be taken for public uses without, &c.

Remedies by recourse to the law, to be free, complete and prompt.

XI. Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without being obliged to purchase it ; completely, and without any denial ; promptly, and without delay, conformably to the laws.

Prosecutions regulated.

XII. No subject shall be held to answer for any crimes or offence until the same is fully and plainly, substantially and formally, described to him ; or be compelled to accuse, or furnish evidence against himself : and every subject shall have a right to produce all proofs that may be favorable to him ; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled or deprived of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers, or the law of the land.

Right to trial by jury, in criminal cases, except, &c.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty and property of the citizen. Crimes to be proved in the vicinity.

XIV. Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure : and no warrant ought to be issued but in cases, and with the formalities, prescribed by the laws. Right of search and seizure regulated.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherwise used and practised, the parties have a right to a trial by jury ; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it. Right to trial by jury sacred, except, &c.

XVI. The liberty of the press is essential to the security of freedom in a State : it ought not, therefore, to be restrained in this Commonwealth. Liberty of the press.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature ; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it. Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives : and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth. Moral qualifications for office.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good ; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions or Moral obligations of lawgivers and magistrates. Right of people to instruct representatives and petition legislature.

remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, &c., and reason thereof.

XXI. The freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent.

XXIII. No subsidy, charge, tax, impost or duties, ought to be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature.

Ex post facto laws prohibited.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive and inconsistent with the fundamental principles of a free government.

Legislature not to convict of treason, &c.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Excessive bail or fines, and cruel punishments prohibited.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

No soldier to be quartered in any house, unless, &c.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

Citizens exempt from law-martial, unless, &c.

XXVIII. No person can in any case be subjected to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Judges of supreme judicial court.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave them-

Tenure of their office.

selves well, and that they should have honorable salaries ascertained and established by standing laws. Salaries.

XXX. In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws, and not of men. Separation of executive, judicial, and legislative departments.

PART THE SECOND.

The Frame of Government.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign and independent body politic or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS. Title of body politic.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

ART. I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other. Legislative department.

The legislative body [shall assemble every year on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May; and] shall be styled, THE GENERAL COURT OF MASSACHUSETTS. See amendments, Art. X.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any Governor's veto.

Bill may be passed by two-thirds of each house, notwithstanding.

objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichever the same shall have originated, who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve; but if, after such reconsideration, two-thirds of the said senate or house of representatives shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the said bill or resolve, shall be entered upon the public records of the Commonwealth.

See amendments, Art. I.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

General court may constitute judicatories, courts of record, &c.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the Commonwealth, for the hearing, trying and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes and things, whatsoever, arising or happening within the Commonwealth, or between or concerning persons inhabiting or residing, or brought within the same; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal or mixed; and for the awarding and making out of execution thereupon: to which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

Courts, &c., may administer oaths.

General court may enact laws, &c.,

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain and establish all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with penalties or without, so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name

not repugnant to the constitution;

and settle annually, or provide by fixed laws, for the naming and settling, all civil officers within the said Commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this Commonwealth, and the forms of such oaths, or affirmations as shall be respectively administered unto them for the execution of their several offices and places so as the same be not repugnant or contrary to this constitution; and to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said Commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise and commodities whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this Commonwealth, for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said Commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

may provide for the election or appointment of officers;

prescribe their duties;

impose taxes:

duties and excises;

to be disposed of for defence, protection, &c.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the Commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

Valuation of estates once in ten years, at least, while, &c.

CHAPTER I.

SECTION II.

Senate.

[ART. I. There shall be annually elected, by the freeholders and other inhabitants of this Commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators, for the year ensuing their election; to be chosen by the inhabitants of the districts, into which the Commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known, to the inhabitants of the Commonwealth, the limits of each

Senate, number of, and by whom elected.

See amendments, Arts. XIII, XVI. and XXII.

district, and the number of councillors and senators to be chosen therein : provided, that the number of such districts shall never be less than thirteen ; and that no district be so large as to entitle the same to choose more than six senators.

Counties to be districts, until, &c.
See amendments, Arts. XIII. and XXII.

And the several counties in this Commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes county and Nantucket shall form one district for that purpose,) and shall elect the following number for councillors and senators, viz :—

Suffolk, six ; Essex, six ; Middlesex, five ; Hampshire, four ; Plymouth, three ; Barnstable, one ; Bristol, three ; York, two ; Dukes county and Nantucket, one ; Worcester, five ; Cumberland, one ; Lincoln, one ; Berkshire, two.]

Manner and time of choosing senators and councillors.

See amendments, Arts. II., X., XIV. and XV.

See amendments, Arts. III., XX., XXIII. and XXVI.

Word "inhabitant" defined.

Selectmen to preside at town meetings.

Return of votes.

See amendments, Art. II.

Amendments, Art. X.

II. The Senate shall be the first branch of the legislature ; [and the senators shall be chosen in the following manner, viz. : there shall be a meeting on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this Commonwealth, to be called by the selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be senators and councillors ; and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate, within the Commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word "inhabitant," in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office or place within this State, in that town, district or plantation where he dwelleth or hath his home.

The selectmen of the several towns shall preside at such meetings impartially, and shall receive the votes of all the inhabitants of such towns, present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name ; and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the Commonwealth, for the time being, with a superscription expressing the purport of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May, annually ; or it shall be delivered into

the secretary's office seventeen days at least before the said last Wednesday in May ; and the sheriff of each county shall deliver all such certificates, by him received, into the secretary's office, seventeen days before the said last Wednesday in May.]

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators, in the plantations where they reside, as town inhabitants have in their respective towns ; and the plantation meetings for that purpose shall be held, annually, [on the same first Monday in April,] at such place in the plantations, respectively, as the assessors thereof shall direct ; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated, (qualified as aforesaid,) who shall be assessed to the support of government, by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators, in the town where they shall be assessed, and be notified of the place of meeting, by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

III. And that there may be a due convention of senators [on the last Wednesday in May,] annually, the governor, with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records ; and fourteen days before the said day, he shall issue his summons to such persons as shall appear to be chosen by a majority of voters, to attend on that day, and take their seats accordingly ; [provided, nevertheless, that for the first year, the said returned copies shall be examined by the president and five of the council of the former constitution of government ; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.]

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the constitution ; and shall, on the said [last Wednesday in May,] annually, determine and declare who are elected by each district to be senators, [by a majority of votes : and in case there shall not appear to be the full number of senators returned, elected by a majority of votes, for any district, the deficiency shall be supplied in the following manner,

Inhabitants of unincorporated plantations, who pay State taxes, may vote.

Plantation meetings. See amendments, Art. X.

Assessors to notify, &c.

Governor and council to examine and count votes, and issue summonses.

See amendments, Art. X.

Senate to be final judge of elections, &c., of its own members.

See amendments, Art. X., XIV. and XXIV.

Vacancies, how filled. viz. : The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for ; and out of these, shall elect by ballot a number of senators sufficient to fill up the vacancies in such district ; and in this manner all such vacancies shall be filled up in every district of the Commonwealth ; and in like manner all vacancies in the senate, arising by death, removal out of the State or otherwise, shall be supplied as soon as may be after such vacancies shall happen.]

Qualifications of a senator. See amendments, Arts. XIII. and XXII.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seized in his own right of a freehold, within this Commonwealth, of the value of three hundred pounds at least, or possessed of personal estate of the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this Commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Senate not to adjourn more than two days.

VI. The senate shall have power to adjourn themselves ; provided such adjournments do not exceed two days at a time.

Shall choose its officers and establish its rules. Shall try all impeachments.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

Oath.

VIII. The senate shall be a court, with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the Commonwealth, for misconduct and mal-administration in their offices : but, previous to the trial of every impeachment, the members of the senate shall, respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honor, trust or profit, under this Commonwealth : but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment and punishment, according to the laws of the land.

Limitation of sentence.

Quorum.

IX. Not less than sixteen members of the senate shall constitute a quorum for doing business.

CHAPTER I.

SECTION III.

House of Representatives.

ART. I. There shall be, in the legislature of this Commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representation of the people.

[II. And in order to provide for a representation of the citizens of this Commonwealth, founded upon the principle of equality, every corporate town, containing one hundred and fifty ratable polls, may elect one representative; every corporate town, containing three hundred and seventy-five ratable polls, may elect two representatives; every corporate town, containing six hundred ratable polls, may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.

Representatives, by whom chosen.

See amendments, Arts. XII., XIII. and XXI.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.]

Proviso as to towns having less than 150 ratable polls.

And the house of representatives shall have power, from time to time, to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

Towns liable to fine in case, &c.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.

Expense of travelling to and from the general court, how paid.

III. Every member of the house of representatives shall be chosen by written votes; [and, for one year at least next preceding his election, shall have been an inhabitant of, and have been seized in his own right of a freehold of the value of one hundred pounds, within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town, immediately on his ceasing to be qualified as aforesaid.]

Qualifications of a representative. See amendments, Arts. XIII., XIV. and XXI.

[IV. Every male person being twenty-one years of age, and resident in any particular town in this Commonwealth, for the space of one year next preceding, having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

Qualifications of a voter.

See amendments, Arts. III., XX. and XXIII.

Representatives, when chosen. See amendments, Arts. X. and XV. House alone can impeach.

[V. The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

VI. The house of representatives shall be the grand inquest of this Commonwealth; and all impeachments made by them shall be heard and tried by the senate.

House to originate all money bills.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

Not to adjourn more than two days at a time.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

Quorum. See amendments, Art. XXI.

[IX. Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

House to judge of returns, &c., of its own members; to choose its officers and establish its rules, &c. May punish for certain offences.

X. The house of representatives shall be the judge of the returns, elections and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker, appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment, every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for anything said or done in the house; or who shall assault any of them therefor; or who shall assault or arrest any witness, or other person, ordered to attend the house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

Privileges of members.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending, the general assembly.

Senate.

Governor and council may punish.

General limitation.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment, on the warrant or order of the governor, council, senate or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Trial may be by committee, or otherwise.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may, respectively, think best.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

ART. I. There shall be a supreme executive magistrate, Governor.
 who shall be styled—THE GOVERNOR OF THE COMMONWEALTH
 OF MASSACHUSETTS; and whose title shall be—HIS EXCEL- His title.
 LENCY.

II. The governor shall be chosen annually; and no per- To be chosen annually. Qualifications.
 son shall be eligible to this office, unless, at the time of his
 election, he shall have been an inhabitant of this Common-
 wealth for seven years next preceding; and unless he shall,
 at the same time, be seized, in his own right, of a freehold,
 within the Commonwealth, of the value of one thousand
 pounds; [and unless he shall declare himself to be of the
 Christian religion.] See amend-
ments, Art.
VII.

[III. Those persons who shall be qualified to vote for senators and
 representatives, within the several towns of this Commonwealth, shall, at
 a meeting to be called for that purpose, on the first Monday of April,
 annually, give in their votes for a governor, to the selectmen, who shall
 preside at such meetings; and the town clerk, in the presence and with
 the assistance of the selectmen, shall, in open town meeting, sort and
 count the votes, and form a list of the persons voted for, with the number
 of votes for each person against his name; and shall make a fair record
 of the same in the town books, and a public declaration thereof in the said
 meeting; and shall, in the presence of the inhabitants, seal up copies of
 the said list, attested by him and the selectmen, and transmit the same to
 the sheriff of the county, thirty days at least before the last Wednesday
 in May; and the sheriff shall transmit the same to the secretary's office,
 seventeen days at least before the said last Wednesday in May; or the
 selectmen may cause returns of the same to be made, to the office of the
 secretary of the Commonwealth, seventeen days at least before the said
 day; and the secretary shall lay the same before the senate and the house
 of representatives, on the last Wednesday in May, to be by them exam-
 ined; and in case of an election by a majority of all the votes returned,
 the choice shall be by them declared and published; but if no person shall
 have a majority of votes, the house of representatives shall, by ballot, elect
 two out of four persons, who had the highest number of votes, if so many
 shall have been voted for; but, if otherwise, out of the number voted for;
 and make return to the senate of the two persons so elected; on which,
 the senate shall proceed, by ballot, to elect one who shall be declared
 governor.] By whom cho-
sen, if he have
a majority of
votes.

See amend-
ments, Arts.
II., X., XIV.
and XV.

How chosen,
when no per-
son has a ma-
jority.

IV. The governor shall have authority, from time to
 time, at his discretion, to assemble and call together the
 councillors of this Commonwealth for the time being; and
 the governor, with the said councillors; or five of them, at
 least, shall, and may, from time to time, hold and keep a
Power of gov-
ernor, and of
governor and
council.

council, for the ordering and directing the affairs of the Commonwealth, agreeably to the constitution and the laws of the land.

May adjourn or
prorogue the
general court
upon request,
and convene
the same.
See amend-
ments, Art. X.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same at any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the Commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other the most convenient place within the State.

See amend-
ments, Art. X.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

Governor and
council may ad-
journ the gen-
eral court in
cases, &c.,
but not ex-
ceeding ninety
days.

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor to be
commander-in-
chief.

VII. The governor of this Commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the State, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and, for the special defence and safety of the Commonwealth, to assemble in martial array, and put in warlike posture the inhabitants thereof, and to lead and conduct them, and with them, to encounter, repel, resist, expel and pursue, by force of arms, as well by sea as by land, within or without the limits of this Commonwealth, and also to kill, slay and destroy, if necessary, and conquer, by all fitting ways, enterprises and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment or annoyance of this Commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as

occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition and other goods, as shall, in a hostile manner, invade or attempt the invading, conquering or annoying this Commonwealth; and that the governor be intrusted with all these and other powers incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this Commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the State to which they cannot otherwise conveniently have access.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate, by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter or pardon, granted by the governor, with advice of the council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

IX. All judicial officers, [the attorney-general, the solicitor-general, all sheriffs,] coroners [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor the officers elected.

Limitation.

Governor and council may pardon offences, except, &c.
But not before conviction.

All judicial officers, &c., how nominated and appointed.
See amendments, Arts. XIV., XVII. and XIX.

Militia officers, how elected.

See amendments, Art. V.

How commissioned.

Elections of officers.

Major-generals, how appointed and commissioned.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

Vacancies, how filled, in case, &c.

And if the electors of brigadiers, field officers, captains or subalterns shall neglect or refuse to make such elections, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly commissioned, how removed. See amendments, Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the Commonwealth for the time being.]

Adjutants, &c., how appointed.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

Adjutant-general.

Army officers, how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this Commonwealth shall appoint,—as also all officers of forts and garrisons.

Organization of militia.

The divisions of the militia into brigades, regiments and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this Commonwealth, until the same shall be altered in pursuance of some future law.

Money, how drawn from the treasury, except, &c.

XI. No moneys shall be issued out of the treasury of this Commonwealth and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon,) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the Commonwealth, and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

Public boards and certain officers to make quarterly returns.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this Commonwealth, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care, respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with

the condition of such forts and garrisons ; and the said commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, dispatches and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court, by a dependence on them for his support—that he should, in all cases, act with freedom for the benefit of the public—that he should not have his attention necessarily diverted from that object to his private concerns—and that he should maintain the dignity of the Commonwealth in the character of its chief magistrate—it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salary of governor.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

Salaries of justices of supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

Salaries to be enlarged, if insufficient.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

ART. I. There shall be annually elected a lieutenant-governor of the Commonwealth of Massachusetts, whose title shall be—HIS HONOR ; and who shall be qualified, in point of religion, property, and residence in the Commonwealth, in the same manner with the governor ; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner ; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate

Lieutenant-governor ; his title and qualifications.

See amendments, Arts. III., VI., X. and XV.

How chosen.

and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

President of council.

Lieutenant-governor a member of, except, &c.

Lieutenant-governor to be acting governor, in case, &c.

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the Commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which, by this constitution, the governor is vested with, when personally present.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

Council.

See amendments, Art. XVI.

ART. I. There shall be a council, for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, according to the laws of the land.

Number; from whom, and how chosen.

See amendments, Arts. X., XIII. and XVI.

Senators becoming councillors, seats vacated. Rank of councillors.

[II. Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found, upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left, shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

III. The councillors, in the civil arrangements of the Commonwealth, shall have rank next after the lieutenant-governor.

No district to have more than two.

[IV. Not more than two councillors shall be chosen out of any one district in this Commonwealth.]

V. The resolutions and advice of the council shall be recorded in a register and signed by the members present; and this record may be called for, at any time, by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority, to do and execute, all and every such acts, matters and things, as the governor or the lieutenant-governor might, or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Council to exercise the power of governor, in case, &c.

[VII. And whereas the elections appointed to be made by this constitution on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

Elections may be adjourned until, &c.

Order thereof.

Amendments, Arts. XVI. and XXV.

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, &c.

ART. I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public and naval officers, shall be chosen annually, by joint ballot of the senators and representatives, in one room.] And, that the citizens of this Commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

Secretary, &c.; by whom and how chosen. See amendments, Arts. IV. and XVII.

Treasurer ineligible for more than five successive years.

II. The records of the Commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives in person, or by his deputies, as they shall respectively require.

Secretary to keep records; to attend the governor and council, &c.

CHAPTER III.

JUDICIARY POWER.

Tenure of all commission officers to be expressed. Judicial officers to hold office during good behavior, except, &c.
May be removed on address.

ART. I. The tenure that all commission officers shall by law have in their offices shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

Justices of supreme judicial court to give opinions when required.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of the peace; tenure of their office.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well being of the Commonwealth.

Provisions for holding probate courts.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

Causes of marriage and divorce, how determined.

[V. All causes of marriage, divorce and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council until the legislature shall, by law, make other provision.]

CHAPTER IV.

DELEGATES TO CONGRESS.

Delegates to congress.

[The delegates of this Commonwealth to the congress of the United States shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the Commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.]

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF
LITERATURE, &C.

SECTION I.

The University.

ART. I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the Christian religion, and the great benefit of this and the other United States of America,—it is declared, that the **PRESIDENT AND FELLOWS OF HARVARD COLLEGE**, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy, all the powers, authorities, rights, liberties, privileges, immunities and franchises, which they now have, or are entitled to have, hold, use, exercise and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

Harvard college.

Powers, privileges, &c., of the president and fellows, confirmed.

II. And whereas there have been, at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college, by some other description, under several charters successively; it is declared, that all the said gifts, grants, devises, legacies and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors, in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

Property devised.

Gifts, grants and conveyances confirmed.

III. And whereas by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of

Board of Overseers established by general court of 1642.

Overseers established by constitution.

Power of alteration reserved to the legislature.

Harvard College; and it being necessary, in this new constitution of government, to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council and senate of this Commonwealth, are, and shall be deemed, their successors; who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining, to the overseers of Harvard College: provided, that nothing herein shall be construed to prevent the legislature of this Commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

CHAPTER V.

SECTION II.

The Encouragement of Literature, &c.

Duty of legislatures and magistrates in all future periods. See amendments, Art. XVIII.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools, and grammar schools in the towns; to encourage private societies, and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, &c.

ART. I. [Any person chosen governor, lieutenant-governor, councillor, senator or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz. :

Declaration of executive and legislative officers.

“I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seized and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected.”

See amendments, Art. VII.

And the governor, lieutenant-governor and councillors, shall make and subscribe the said declaration, in the presence of the two houses of assembly; and the senators and representatives, first elected under this constitution; before the president and five of the council of the former constitution; and forever afterwards, before the governor and council for the time being.]

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz. :

Declaration and oaths of all officers.

[“I, A. B., do truly and sincerely acknowledge, profess, testify and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent State; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever; and that I do renounce and abjure all allegiance, subjection and obedience to the king, queen or government of Great Britain, (as the case may be,) and every other foreign power whatsoever; and that no foreign prince, person, prelate, state or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical or spiritual, within this Commonwealth; except the authority and power which is or may be vested by their constituents in the congress of the United States: and I do further testify and declare, that no man, or body of men, hath, or can have, any right to absolve or discharge me from the obligation of this oath, declaration or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion or secret reservation whatsoever. So help me, God.”]

See amendments, Art. VI.

“I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as , according to the

best of my abilities and understanding, agreeably to the rules and regulations of the constitution, and the laws of the Commonwealth. So help me, God."

See amend-
ments, Art. VI.

[Provided, always, that when any person, chosen or appointed as afore-said, shall be of the denomination of the people called Quakers, and shall decline taking the said oaths, he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, "I do swear," "and abjure," "oath or," "and abjuration," in the first oath; and in the second oath, the words "swear and," and in each of them the words, "So help me, God;" subjoining instead thereof, "This I do under the pains and penalties of perjury."]

Oaths and
affirmations,
how admin-
istered.

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons, and in such manner, as from time to time shall be prescribed by the legislature.

Plurality of offi-
cers prohibited
to governor,
&c., except,
&c.

See amend-
ments, Art.
VIII.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this Commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the State; nor shall they hold any other place or office, or receive any pension or salary from any other State, or government or power, whatever.

Same subject.

No person shall be capable of holding or exercising at the same time, within this State, more than one of the following offices, viz.: judge of probate—sheriff—register of probate—or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the State at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Incompatible
offices.

See amend-
ments, Art.
VIII.

No person holding the office of judge of the supreme judicial court—secretary—attorney-general—[solicitor-general]—treasurer or receiver-general—judge of probate—commissary-general—president, professor or instructor of Harvard College—sheriff—clerk of the house of representatives—register of probate—register of deeds—clerk of the supreme judicial court—[clerk of the inferior court of common pleas]—or officer of the customs, including in this

description naval officers—shall at the same time have a seat in the senate or house of representatives ; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives ; and the place so vacated shall be filled up.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council ; or any councillor shall accept of either of those offices or places. Same subject.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this Commonwealth, who shall in the due course of law, have been convicted of bribery or corruption, in obtaining an election or appointment. Bribery, &c., operates disqualification.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce ; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the Commonwealth shall require. Value of money ascertained. Property qualifications. See amendments, Art. XIII.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor, and attested by the secretary or his deputy, and have the great seal of the Commonwealth affixed thereto. Provisions respecting commissions.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts ; they shall be under the seal of the court from whence they issue ; they shall bear test of the first justice of the court to which they shall be returnable who is not a party, and be signed by the clerk of such court. Provisions respecting writs.

VI. All the laws, which have heretofore been adopted, used and approved, in the Province, Colony or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature ; such parts only excepted as are repugnant to the rights and liberties contained in this constitution. Continuation of former laws, except, &c.

VII. The privilege and benefit of the writ of habeas corpus shall be enjoyed in this Commonwealth, in the most free, easy, cheap, expeditious and ample manner ; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months. Benefit of habeas corpus secured, except, &c.

The enacting style.

VIII. The enacting style, in making and passing all acts, statutes and laws, shall be—"Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same."

Officers of former government continued until, &c.

[IX. To the end there may be no failure of justice, or danger arise to the Commonwealth, from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay, in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise and enjoy all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies and powers, shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority, until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers and authority.]

Provision for revising constitution. Amendments, Art. IX.

X. In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court, which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Same subject.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns, to elect delegates to meet in convention for the purpose aforesaid.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

Provision for preserving and publishing this constitution.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this Commonwealth, in all future editions of the said laws.

ARTICLES OF AMENDMENT.

ART. I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

Bill, &c., not approved within five days, not to become a law, if legislature adjourn in the meantime.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this Commonwealth, and to grant to the inhabitants thereof such powers, privileges and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings: provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants; nor unless it be with the consent, and on the application, of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose; and provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

General court empowered to charter cities.

Proviso.

ART. III. Every male citizen of twenty-one years of age and upwards, (excepting paupers and persons under guardianship,) who shall have resided within the Commonwealth one year, and within the town or district, in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators, or representatives, and who shall have paid, by himself, or his parent, master or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth; and also, every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators and representatives; and no other person shall be entitled to vote in such elections.

Qualifications of voters for governor, lieutenant-governor, senators and representatives. 11 Pick. 538. See amendments, Arts. XX., XXIII. and XXVI.

Notaries public,
how appointed
and removed.

ART. IV. Notaries public shall be appointed by the governor, in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

Vacancies in
the offices of
secretary and
treasurer, how
filled in case,
&c
See amend-
ments, Art.
XVII.

[In case the office of secretary or treasurer of the Commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court]

Commissary-
general may
be appointed,
in case, &c.

Whenever the exigencies of the Commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed and commissioned, in such manner as the legislature may, by law, prescribe.

Militia officers,
how removed.

All officers commissioned to command in the militia, may be removed from office in such manner as the legislature may, by law, prescribe.

Who may vote
for captains and
subalterns.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

Oath to be
taken by all
officers.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this Commonwealth, before he shall enter on the duties of his office, to wit: —

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.”

Proviso:
Quaker may
affirm.

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word “swear,” and inserting, instead thereof, the word “affirm,” and omitting the words, “So help me, God,” and subjoining, instead thereof, the words “This I do under the pains and penalties of perjury.”

Tests abolish-
ed.

ART. VII. No oath, declaration or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators or representatives, to qualify them to perform the duties of their respective offices.

ART. VIII. No judge of any court of this Commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor or councillor, or have a seat in the senate or house of representatives of this Commonwealth; and no judge of any court in this Commonwealth, (except the court of sessions,) nor the attorney-general, [solicitor-general, county-attorney,] clerk of any court, sheriff, treasurer and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; [and judges of the courts of common pleas shall hold no other office under the government of this Commonwealth, the office of justice of the peace and militia offices excepted.]

Incompatibility
of offices.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this Commonwealth.

Amendments
constitution,
how made.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be

Commence-
ment of politi-
cal year,

and termina-
tion.

dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

Meetings for the choice of governor, lieutenant-governor, &c., when to be held. May be adjourned. See amendments, Art. XV.

[The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

All the [other] provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

Article, when to go into operation.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force and go into operation, pursuant to the foregoing provision.

Inconsistent provisions annulled.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Religious freedom established.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

“As the public worship of God, and instructions in piety, religion and morality, promote the happiness and prosperity

of a people, and the security of a republican government; therefore the several religious societies of this Commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made or entered into by such society; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the Commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law."

[ART. XII. In order to provide for a representation of the citizens of this Commonwealth, founded upon the principles of equality, a census of the ratable polls in each city, town and district of the Commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid: and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls, in addition to the first three hundred, one representative more.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten, and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district, to continue until the next decennial census of polls, for the election of a representative or representatives; and such districts shall have all the rights, in

Census of ratable polls to be taken in 1837, and decennially thereafter.

Representatives, how apportioned. See amendments, Arts. XIII. and XXI.

Towns having less than 300 ratable polls, how represented.

Fractions, how represented.

Towns may unite into representative districts.

regard to representation, which would belong to a town containing the same number of ratable polls.

The governor and council to determine the number of representatives to which each town is entitled

New apportionment to be made once in every ten years.

Inconsistent provisions annulled.

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation.

See amendments, Art. XXII.

Senatorial districts declared permanent. See amendments, Art. XXII.

House of representatives, how apportioned. See amendments, Art. XXI.

Small towns, how represented.

Towns may unite into representative districts.

Basis of representation, and ratio of increase.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives which each city, town and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls shall determine the number of representatives which each city, town and representative district may elect as aforesaid; and when the number of representatives to be elected by each city, town or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

All the provisions of the existing constitution inconsistent with the provisions hereby contained, are herein wholly annulled.]

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

The several senatorial districts now existing, shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants, may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times, within ten years, as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the Commonwealth shall be settled.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such districts shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number, which shall entitle a town or city to elect more than one, and also the number by which the population of towns, not entitled to a representative every year, is to be divided,

shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the Commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

The governor and council to apportion the number of representatives of each town once in every ten years.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation or otherwise. No person shall be elected a councillor who has not been an inhabitant of this Commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the Commonwealth.]

Councillors to be chosen from the people at large. See amendments, Art. XVI. Qualifications of councillors.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Freehold as a qualification not required.

ART. XIV. In all elections of civil officers by the people of this Commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Elections by the people to be by plurality of votes.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Time of annual election of governor and legislature.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this Commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next State census shall have been taken, and at its first session after each decennial State census thereafter, shall divide the Commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide

Eight councillors to be chosen by the people.

Legislature to district State.

Eligibility defined.

Day and manner of election, &c.

Vacancies, how filled.

Organization of the government.

for the division of the Commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the Commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate ; and vacancies occasioned by death, removal from the State, or otherwise, shall be filled in like manner, as soon as may be after such vacancies shall have happened. And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors ; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly ; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined ; and in case of the election of either of said officers, the choice shall be by them declared and published ; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

Election of secretary, treasurer, auditor and attorney-general by the people.

Vacancies, how filled.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor ; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be

chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this Commonwealth five years next preceding his election or appointment.

To qualify within ten days, otherwise office to be deemed vacant.

Qualification requisite.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the State for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

School moneys not to be applied for sectarian schools.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

Legislature to prescribe for the election of sheriffs, registers of probate, &c., by the people

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this Commonwealth who shall not be able to read the constitution in the English language and write his name: *provided, however*, that the provisions of this amendment shall not apply to any

Reading constitution in English and writing, necessary qualifications of voters. Proviso.

person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

Census of legal voters and of inhabitants, when taken, &c.

See General Stat. chapter 20.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

House to consist of 240 members; representatives to be apportioned upon basis of legal voters.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the Commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth; and it shall be the duty of the secretary of the Commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, —or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August.

Proceedings

each county ; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the Commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the Commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. Not less than one hundred members of the house of representatives shall constitute a quorum for doing business ; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Qualifications of representatives.

Districts to be numbered, described and certified.

One hundred members a quorum.

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June in the year one thousand eight hundred and fifty-seven ; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the Commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid : *provided, however*, that no town or ward of a city shall be divided therefor ; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this Commonwealth five years at least immediately preceding his

Census of voters and inhabitants to be taken.

Voters to be basis of apportionment of senators.

Senate to consist of 40 members. Senatorial districts, &c.

Proviso.

Qualifications of senators.

election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the Commonwealth. Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Sixteen members a quorum.

Residence of two years required of naturalized citizen, to entitle to suffrage or make eligible to office. See amendment, Art. XXVI.

[ART. XXIII. No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth: provided, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, provided, further, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

Vacancies in the senate.

ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of senators elected.

Vacancies in the council.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Twenty-third article of amendments annulled.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this Commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided*, *further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

THE FRAMING AND POPULAR ADOPTION OF THE CONSTITUTION.

The Constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the meantime the Constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the Constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved* "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

ARTICLES OF AMENDMENT.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them approved and ratified April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30, and 1830-31, respectively, and was approved and ratified by the people, May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, and was approved by the people, November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, and was approved by the people, the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, and was approved by the people, the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, and ratified by the people, the twenty-third day of May, 1855.

The twentieth, twenty-first and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, and ratified by the people on the first day of May, 1857.

CONSTITUTION.

The twenty-third Article was adopted by the legislatures of the political years 1858 and 1859, and ratified by the people on the ninth day of May, 1859.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and ratified by the people on the sixth day of April, 1863.

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General Statutes and Special Acts

OF

MASSACHUSETTS.

1870.

☞ The General Court of 1870 assembled on Wednesday, the fifth day of January. The oaths of office required by the Constitution to be administered to the Governor and Lieutenant-Governor elect, were taken and subscribed by His Excellency WILLIAM CLAFLIN and His Honor JOSEPH TUCKER, on Saturday, the eighth day of January, in the presence of the two Houses assembled in convention.

ACTS,

GENERAL AND SPECIAL.

AN ACT TO LEGALIZE THE ORGANIZATION OF THE BENEVOLENT FRATERNITY OF CHURCHES IN THE CITY OF BOSTON. *Chap. 1.*

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The organization known as the Benevolent Fraternity of Churches in the city of Boston, under chapter twenty-four of the acts of the year eighteen hundred and thirty-nine, is hereby declared a valid corporation, anything in the manner of their organization to the contrary notwithstanding. Organization legalized.

SECTION 2. This act shall take effect upon its passage.

Approved January 29, 1870.

AN ACT TO AMEND AN ACT TO INCORPORATE THE NEW BEDFORD WOMEN'S REFORM AND RELIEF ASSOCIATION. *Chap. 2.*

Be it enacted, &c., as follows :

SECTION 1. The first section of chapter two hundred and forty-four of the acts of the year eighteen hundred and fifty-nine, is hereby amended by adding after the word "virtue" in the seventh line thereof, the words "and a home for poor and destitute females." Amendment.

SECTION 2. The said association shall hereafter be known as the New Bedford Female Reform and Relief Association. Name changed.

Approved February 1, 1870.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND MILEAGE OF MEMBERS OF THE LEGISLATURE, AND FOR THE COMPENSATION OF THE CHAPLAINS, DOORKEEPERS, MESSENGERS AND PAGES OF THE SENATE AND HOUSE OF REPRESENTATIVES. *Chap. 3.*

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter named are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, for the month of January of the present year, as ordered by the house of representatives, to wit : Appropriations authorized.

Senators, mileage. For the mileage of senators, a sum not exceeding four hundred dollars.

Compensation. For the compensation of senators, a sum not exceeding four thousand dollars.

Representatives, mileage. For the mileage of representatives, a sum not exceeding two thousand three hundred dollars.

Compensation. For the compensation of representatives, a sum not exceeding twenty-two thousand five hundred dollars.

Chaplains. For the salaries of the chaplains of the senate and house of representatives, a sum not exceeding two hundred dollars.

Doorkeepers, messengers and pages. For the compensation of the doorkeepers, messengers and pages of the senate and house of representatives, a sum not exceeding one thousand eight hundred and twenty-one dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 3, 1870.

Chap. 4. AN ACT TO INCORPORATE THE TRUSTEES OF THE MUSEUM OF FINE ARTS.

Be it enacted, &c., as follows :

Corporators. SECTION 1. Martin Brimmer, Charles C. Perkins, Charles W. Eliot, William Endicott, Jr., Samuel Eliot, Francis E. Parker, Henry P. Kidder, William B. Rogers, George B. Emerson, Otis Norcross, John T. Bradlee and Benjamin S. Rotch, together with three persons to be annually appointed by the president and fellows of Harvard College, with the consent of the board of overseers, three persons to be annually appointed by the trustees of the Boston Athenæum, and three persons to be annually appointed by the Massachusetts Institute of Technology, if the said corporations shall make such appointments, and the mayor of the city of Boston, the president of the trustees of the public library and the superintendent of public schools of said city, the secretary of the board of education, and the trustee of the Lowell Institute, *ex officio*, are hereby made a body corporate by the name of The Trustees of the Museum of Fine Arts, for the purpose of erecting a museum for the preservation and exhibition of works of art, of making, maintaining and exhibiting collections of such works, and of affording instruction in the fine arts ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in chapter sixty-eight of the General Statutes, and acts in addition thereto.

Real and personal estate. SECTION 2. The trustees of the Museum of Fine Arts may hold real and personal estate for the aforesaid purpose to the value of one million dollars.

SECTION 3. Whenever any vacancy shall occur among the twelve trustees first named in this act, or their successors, such vacancy shall be filled by the whole board of trustees at an annual meeting, or at a meeting specially called for that purpose, and additional trustees may be elected at any such meeting : *provided*, that the whole number of trustees shall not exceed thirty.

Vacancies in
board of trus-
tees.

SECTION 4. This act shall take effect upon its passage.

Approved February 4, 1870.

AN ACT TO INCORPORATE THE PROPRIETORS OF THE WOMAN'S JOURNAL.

Chap. 5.

Be it enacted, §c., as follows :

SECTION 1. Henry B. Blackwell, Samuel E. Sewall, Ebenezer D. Draper, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Woman's Journal, for the purpose of printing and publishing, in the city of Boston, a newspaper called the Woman's Journal ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are, or may hereafter be in force in this Commonwealth, applicable to manufacturing corporations.

Corporators.

Name and pur-
pose.

Powers and du-
ties.

SECTION 2. The capital stock of said corporation shall be ten thousand dollars, divided into shares of fifty dollars each, with the right to increase the same to an amount not exceeding twenty thousand dollars. Said corporation shall not commence business until the whole capital of ten thousand dollars shall have been paid in in cash.

Capital stock
and shares.

Approved February 4, 1870.

AN ACT TO INCORPORATE THE AMERICAN COLLEGE AND MUSICAL CONSERVATORY FOR THE BLIND.

Chap. 6.

Be it enacted, §c., as follows :

SECTION 1. Samuel G. Howe, William Endicott, junior, Francis W. Bird, their associates and successors, are hereby made a corporation by the name of the American College and Musical Conservatory for the Blind, for the purpose of establishing and maintaining, in the city of Boston or its vicinity, a college in which persons permanently or temporarily blind may receive instruction, by lectures, by embossed books, maps, diagrams, models, manikins, and by other appliances adapted to the hearing and touch, in the higher branches of classical and scientific learning taught in the best colleges, to students who can see ; also a conservatory in which the best kind of musical instruction shall be given by able teachers, with the aid of the best instruments ; with all the powers and privileges, and subject to all the duties, lia-

Corporators.

Name and pur-
pose.

Powers and du-
ties.

bilities and restrictions set forth in the sixty-eighth chapter of the General Statutes.

Real and personal estate.

SECTION 2. The said corporation may hold real estate, not exceeding in value one hundred thousand dollars, and personal property not exceeding in value one hundred thousand dollars, all of which shall be devoted to the purposes aforesaid.

Approved February 4, 1870.

Chap. 7. AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR.

Be it enacted, §c., as follows :

Appropriations authorized.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December, in the year eighteen hundred and seventy, to wit:

SUPREME JUDICIAL COURT.

S.J.court, clerk.
G. S. 121, § 5.

For the salary of the clerk of the supreme judicial court for the Commonwealth, three thousand dollars.

Assistant-clerk.
G. S. 121, § 26.

For the salary of the assistant-clerk of said court, one thousand five hundred dollars.

Reporter.
G. S. 121, § 56.

For the salary of the reporter of decisions of the supreme judicial court, three hundred dollars.

Expenses.
G. S. 112, § 39.

For the expenses of said court, a sum not exceeding twelve hundred dollars.

SUPERIOR COURT.

Superior court,
judges' salaries.
1867, 165.

For the salary of the chief justice of the superior court, four thousand five hundred dollars.

For the salaries of the nine associate justices of said court, thirty-seven thousand eight hundred dollars.

COURTS OF PROBATE AND INSOLVENCY.

Judges, probate
and insolvency:
Suffolk.

For the salary of the judge of probate and insolvency for the county of Suffolk, three thousand dollars.

1867, 357.
Middlesex.

For the salary of the judge of probate and insolvency for the county of Middlesex, two thousand five hundred dollars.

1867, 357.
Worcester.

For the salary of the judge of probate and insolvency for the county of Worcester, two thousand five hundred dollars.

Essex.
1867, 357.

For the salary of the judge of probate and insolvency for the county of Essex, two thousand five hundred dollars.

Norfolk.
1867, 357.

For the salary of the judge of probate and insolvency for the county of Norfolk, two thousand dollars.

For the salary of the judge of probate and insolvency for the county of Bristol, one thousand five hundred dollars. Bristol. 1867, 357.

For the salary of the judge of probate and insolvency for the county of Plymouth, one thousand three hundred dollars. Plymouth. 1867, 357.

For the salary of the judge of probate and insolvency for the county of Berkshire, one thousand two hundred dollars. Berkshire. 1867, 357.

For the salary of the judge of probate and insolvency for the county of Hampden, one thousand three hundred dollars. Hampden. 1867, 357.

For the salary of the judge of probate and insolvency for the county of Hampshire, nine hundred dollars. Hampshire. 1867, 357.

For the salary of the judge of probate and insolvency for the county of Franklin, nine hundred dollars. Franklin. 1867, 357.

For the salary of the judge of probate and insolvency for the county of Barnstable, nine hundred dollars. Barnstable. 1867, 357.

For the salary of the judge of probate and insolvency for the county of Nantucket, five hundred dollars. Nantucket. 1867, 357.

For the salary of the judge of probate and insolvency for the county of Dukes county, five hundred dollars. Dukes county. 1867, 357.

For the salary of the register of probate and insolvency for the county of Suffolk, three thousand dollars. Registers : Suffolk. 1867, 357.

For the salary of the register of probate and insolvency for the county of Middlesex, two thousand dollars. Middlesex. 1867, 357.

For the salary of the register of probate and insolvency for the county of Worcester, two thousand dollars. Worcester. 1867, 357.

For the salary of the register of probate and insolvency for the county of Essex, two thousand dollars. Essex. 1867, 357.

For the salary of the register of probate and insolvency for the county of Norfolk, one thousand five hundred dollars. Norfolk. 1867, 357.

For the salary of the register of probate and insolvency for the county of Bristol, one thousand three hundred dollars. Bristol. 1867, 357.

For the salary of the register of probate and insolvency for the county of Plymouth, one thousand two hundred dollars. Plymouth. 1867, 357.

For the salary of the register of probate and insolvency for the county of Hampden, one thousand two hundred dollars. Hampden. 1867, 357.

For the salary of the register of probate and insolvency for the county of Berkshire, one thousand two hundred dollars. Berkshire. 1867, 357.

For the salary of the register of probate and insolvency for the county of Hampshire, nine hundred dollars. Hampshire. 1867, 357.

For the salary of the register of probate and insolvency for the county of Franklin, nine hundred dollars. Franklin. 1867, 357.

Barnstable. 1867, 357.	For the salary of the register of probate and insolvency for the county of Barnstable, nine hundred dollars.
Nantucket. 1867, 357.	For the salary of the register of probate and insolvency for the county of Nantucket, six hundred dollars.
Dukes county. 1867, 357.	For the salary of the register of probate and insolvency for the county of Dukes county, six hundred dollars.
Assistant-regis- ters : Suffolk. 1867, 357.	For the salary of the assistant-register of probate and insolvency for the county of Suffolk, one thousand five hundred dollars.
Middlesex. 1867, 357.	For the salary of the assistant-register of probate and insolvency for the county of Middlesex, one thousand five hundred dollars.
Worcester. 1867, 357.	For the salary of the assistant-register of probate and insolvency for the county of Worcester, one thousand five hundred dollars.
Essex. 1867, 357.	For the salary of the assistant-register of probate and insolvency for the county of Essex, one thousand five hundred dollars.
Norfolk. 1867, 357.	For the salary of the assistant-register of probate and insolvency for the county of Norfolk, eight hundred dollars.
Expenses. G. S. 118, § 14.	For certain expenses of courts of insolvency authorized by the General Statutes, a sum not exceeding five hundred dollars.

DISTRICT-ATTORNEYS.

District-attor- neys. Suffolk. 1867, 349; 1869, 373.	For the salary of the attorney for the county of Suffolk, three thousand five hundred dollars; and for the salary of his clerk, one thousand dollars.
Assistant. Suffolk. 1867, 349.	For the salary of the assistant-attorney for the county of Suffolk, two thousand one hundred dollars.
Eastern dis- trict. 1867, 349.	For the salary of the attorney for the eastern district, one thousand five hundred dollars.
Northern dis- trict. 1867, 349.	For the salary of the attorney for the northern district, one thousand five hundred dollars.
Southern dis- trict. 1867, 349.	For the salary of the attorney for the southern district, one thousand five hundred dollars.
Middle district. 1867, 349.	For the salary of the attorney for the middle district, one thousand five hundred dollars.
South-eastern district. 1867, 349.	For the salary of the attorney for the south-eastern district, one thousand five hundred dollars.
Western dis- trict. 1867, 349.	For the salary of the attorney for the western district, one thousand five hundred dollars.
North-western district. 1867, 349.	For the salary of the attorney for the north-western district, one thousand dollars.

POLICE COURTS.

For the salary of the justice of the police court in Adams, eight hundred dollars.

Police courts.
Justices.
Adams.
G. S. 116.
Cambridge.
1869, 359.

For the salary of the justice of the police court in Cambridge, one thousand eight hundred dollars.

For the salary of the justice of the police court in Charlestown, one thousand two hundred dollars.

Charlestown.
1869, 359.

For the salary of the justice of the police court in Chelsea, one thousand six hundred dollars.

Chelsea.
1869, 359.

For the salary of the justice of the police court in Chicopee, one thousand six hundred dollars.

Chicopee.
1869, 359.

For the salary of the justice of the police court in Fall River, one thousand two hundred dollars.

Fall River.
1869, 359.

For the salary of the justice of the police court in Gloucester, one thousand six hundred dollars.

Gloucester.
1869, 359.

For the salary of the justice of the police court in Haverhill, one thousand two hundred dollars.

Haverhill.
1867, 316.

For the salary of the justice of the police court in Lawrence, one thousand eight hundred dollars.

Lawrence.
1869, 359.

For the salary of the justice of the police court in Lee, five hundred dollars.

Lee.
1861, 141.

For the salary of the justice of the police court in Lynn, one thousand two hundred dollars.

Lynn.
1869, 359.

For the salary of the justice of the police court in Lowell, two thousand two hundred dollars.

Lowell.
G. S. 116.

For the salary of the justice of the police court in Fitchburg, one thousand three hundred dollars.

Fitchburg.
1868, 124.

For the salary of the justice of the police court in Milford, one thousand six hundred dollars.

Milford.
1869, 359.

For the salary of the justice of the police court in New Bedford, one thousand five hundred dollars.

New Bedford.
G. S. 116.

For the salary of the justice of the police court in Newburyport, one thousand dollars.

Newburyport.
1869, 359.

For the salary of the justice of the police court in Salem, one thousand eight hundred dollars.

Salem.
1869, 359.

For the salary of the justice of the police court in Springfield, two thousand dollars.

Springfield.
1868, 330.

For the salary of the justice of the police court in Williamstown, three hundred dollars.

Williamstown.
G. S. 116.

For the salaries of the clerks of the police courts, exclusive of clerks elected under chapter one hundred and sixteen of the General Statutes, to wit:

Police courts.
Clerks.

For the salary of the clerk of the police court in Cambridge, one thousand dollars.

Cambridge.
1869, 359.

Charlestown. 1869, 359.	For the salary of the clerk of the police court in Charlestown, eight hundred dollars.
Fall River. 1869, 359.	For the salary of the clerk of the police court in Fall River, eight hundred dollars.
Haverhill. 1867, 316.	For the salary of the clerk of the police court in Haverhill, six hundred dollars.
Lawrence. 1869, 359.	For the salary of the clerk of the police court in Lawrence, one thousand dollars.
Lowell. G. S. 116.	For the salary of the clerk of the police court in Lowell, one thousand dollars.
Lynn. 1869, 359.	For the salary of the clerk of the police court in Lynn, eight hundred dollars.
New Bedford. G. S. 116.	For the salary of the clerk of the police court in New Bedford, eight hundred dollars.
Newburyport. 1869, 359.	For the salary of the clerk of the police court in Newburyport, six hundred dollars.
Salem. 1869, 359.	For the salary of the clerk of the police court in Salem, one thousand dollars.

MUNICIPAL COURTS.

Municipal courts. Boston. 1866, 279.	For the salaries of the justices of the municipal court in Boston, nine thousand dollars.
	For the salary of the clerk of the municipal court in Boston, for criminal business, two thousand five hundred dollars.
Southern district, Boston. 1869, 369.	For the salary of the justice of the municipal court for the southern district of Boston, one thousand eight hundred dollars.
	For the salary of the clerk of the municipal court for the southern district of Boston, one thousand dollars.
	For the salary of the justice of the municipal court in Taunton, one thousand two hundred dollars.
Taunton. 1869, 359.	For the salary of the clerk of the municipal court in Taunton, eight hundred dollars.
Worcester. 1868, 198.	For the salary of the justice of the municipal court in Worcester, two thousand dollars.
	For the salary of the clerk of the municipal court in Worcester, one thousand two hundred dollars.

DISTRICT COURT FOR CENTRAL BERKSHIRE.

District court. Central Berkshire. 1869, 416.	For the salary of the standing justice of the district court for Central Berkshire, one thousand six hundred dollars for the present year; and four hundred dollars for the year eighteen hundred and sixty-nine.
	For the salary of the clerk of the district court for Central Berkshire, six hundred dollars for the present year; and one

hundred and fifty dollars for the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

Approved February 4, 1870.

AN ACT TO CHANGE THE NAME OF THE, ESSEX STREET CONGREGATIONAL SOCIETY. Chap. 8.

Be it enacted, &c., as follows :

SECTION 1. The Essex Street Congregational Society shall hereafter be known as the Columbus Avenue Congregational Society. Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved February 7, 1870.

AN ACT TO AUTHORIZE THE BOSTON AND LOWELL RAILROAD CORPORATION TO CONSTRUCT A BRANCH RAILROAD TO THE MYSTIC RIVER RAILROAD, AND FOR OTHER PURPOSES. Chap. 9.

Be it enacted, &c., as follows :

SECTION 1. The Boston and Lowell Railroad Corporation is hereby authorized to construct and maintain a branch railroad, beginning at a point in the present track of their railroad within two hundred feet of Milk Row station, so called, in Somerville, and southerly of the bridge near said station, thence running easterly, by as direct a line as is reasonably practicable, to the Mystic River Railroad, at a point near the present crossing of the Boston and Maine and Eastern Railroads and within three hundred feet of the Ball signal station, as the same now stands, near said crossing. May build branch road from Milk Row station to Mystic River Railroad.

SECTION 2. Said branch railroad may cross the Boston and Maine Railroad and the Eastern Railroad and the Grand Junction Branch of the Boston and Albany Railroad, at grade : *provided*, said crossings shall be made and maintained at the expense of said Boston and Lowell Railroad Corporation ; and the construction of each of said crossings shall be done in such manner as may be agreed upon in writing by said Boston and Lowell Railroad Corporation, with each of said other corporations respectively, and in case of disagreement in either case the whole matter relating to the construction of such crossing shall be done under the direction of the railroad commissioners ; and *provided, further*, that whenever trains shall approach the said crossing on the said Boston and Maine Railroad or on the said Eastern Railroad at the same time with the trains on the branch railroad hereby authorized to be constructed, the prior right to move forward shall be allowed the said Boston and Maine and Eastern Railroads. May cross Boston and Maine, Eastern and Grand Junction railroads at grade.
Proviso.

May enter upon
and use other
roads.

SECTION 3. The Boston and Lowell Railroad Corporation, by means of the branch railroad hereby authorized to be constructed, is further authorized to connect with, enter upon and use each of the railroads herein before mentioned, according to law, with the reciprocal right on the part of each of said railroads to enter upon, connect with and use said Boston and Lowell Railroad. And said Boston and Lowell Railroad Corporation is also authorized to lease or purchase said Mystic River Railroad, upon such terms as said corporations may mutually agree.

May purchase
land, &c., for
depot near deep
water of Boston
Harbor.

SECTION 4. The Boston and Lowell Railroad Corporation may purchase and improve such lands, wharves or buildings upon the line of said Mystic River Railroad, or near the terminus thereof, as may from time to time be deemed requisite to establish a freight and shipping depot near the deep waters of Boston harbor.

When to take
effect.

SECTION 5. This act shall take effect upon its passage, and shall be void unless the location of the branch railroad hereby authorized to be constructed shall be filed within one year, and said branch shall be constructed within two years from the passage of this act.

Approved February 7, 1870.

Chap. 10. AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF THE STATE ALMSHOUSES; THE STATE PRISON; THE REFORM SCHOOL AT WESTBOROUGH; THE MASSACHUSETTS NAUTICAL SCHOOL; THE INDUSTRIAL SCHOOL FOR GIRLS, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Appropriations
authorized.

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise specified, for the purpose of meeting the current expenses of the institutions hereinafter named, and for other purposes, during the year ending December thirty-first, in the year eighteen hundred and seventy, to wit :

CHARITABLE.

State almshouse, Tewksbury.
G. S. 71.
Monson.
G. S. 71; 1866,
209.

For the current expenses of the state almshouse at Tewksbury, a sum not exceeding twenty-five thousand dollars.

For the current expenses of the state almshouse and state primary school at Monson, a sum not exceeding twenty thousand dollars.

Bridgewater.
G. S. 71; 1866,
198.

For the current expenses of the state almshouse and state workhouse at Bridgewater, a sum not exceeding fifteen thousand dollars.

Rainsford Island.
G. S. 71.

For expenses of the hospital property at Rainsford Island, a sum not exceeding one thousand and two hundred dollars.

REFORMATORY AND CORRECTIONAL.

For the current expenses of the state prison, a sum not exceeding thirty thousand dollars. State prison.
1864, 303.

For the current expenses of the state reform school at Westborough, a sum not exceeding fifteen thousand dollars. Reform school.
G. S. 76.

For the current expenses of the Massachusetts nautical school, a sum not exceeding fifteen thousand dollars. Nautical school.
G. S. 76.

For the current expenses of the Industrial school for girls, at Lancaster, a sum not exceeding ten thousand dollars. Industrial
school.
G. S. 75.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1870.

AN ACT TO AUTHORIZE THE ATLANTIC WORKS TO INCREASE ITS CAPITAL STOCK AND HOLD ADDITIONAL REAL ESTATE.

Chap. 11.

Be it enacted, &c., as follows:

SECTION 1. The Atlantic Works, organized under chapter two hundred and seventy-one of the acts of the year eighteen hundred and fifty-three, is hereby authorized to increase its capital stock, not exceeding three hundred thousand dollars; and to hold real estate to the value of two hundred and fifty thousand dollars in addition to the amount named in said charter. \$300,000 addi-
tional capital
stock.

\$250,000 addi-
tional in real
estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1870.

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR.

Chap. 12.

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified, to meet the current expenses of the year ending on the thirty-first day of December, in the year eighteen hundred and seventy, to wit: Appropriations
authorized.

LEGISLATIVE DEPARTMENT.

For the salaries of the clerks of the senate and house of representatives, five thousand dollars. Clerks, senate
and house.
1867, 305.

For the salary of the sergeant-at-arms, two thousand five hundred dollars. Sergeant-at-
arms.
1867, 305.

For the compensation of an engineer and such watchmen and firemen as may be employed in the state house, a sum not exceeding nine thousand two hundred dollars. Engineer,
watchmen and
firemen.
1867, 167; 1868,
341.

For fees of witnesses summoned before committees, a sum not exceeding eight hundred dollars. Witnesses' fees.
G. S. 15, § 546;
1869, 309.

EXECUTIVE DEPARTMENT.

Lieut.-governor
and council.
G. S. 14, § 2.

For the mileage and compensation of the lieutenant-governor and council, a sum not exceeding twelve thousand dollars.

Governor's secretary.
1866, 298, § 4.
Messenger.
1869, 466.

For the compensation of the private secretary of the governor, two thousand dollars.

For the compensation of the messenger of the governor and council, one thousand two hundred dollars.

Assistant-messenger.
1867, 167.

For the compensation of the assistant-messenger of the governor and council, eight hundred dollars.

Contingent expenses.
G. S. 14, § 62.

For the contingent expenses of the executive council, a sum not exceeding five hundred dollars.

SECRETARY'S DEPARTMENT.

Secretary of the
Commonwealth
1866, 298.

For the salary of the secretary of the Commonwealth, two thousand five hundred dollars.

First clerk.
1866, 298.

For the salary of the first clerk in the secretary's department, two thousand dollars.

Second clerk.
1866, 298.

For the salary of the second clerk in the secretary's department, one thousand seven hundred dollars.

Messenger.
1869, 466.

For the salary of the messenger in the secretary's department, one thousand two hundred dollars.

Additional
clerks.
G. S. 14, § 4;
1867, 167.

For such additional clerical assistance as the secretary may find necessary for the performance of the duties of the department, a sum not exceeding sixteen thousand dollars.

TREASURER'S DEPARTMENT.

Treasurer.
1866, 298.

For the salary of the treasurer and receiver-general, three thousand five hundred dollars.

First clerk.
1869, 454.

For the salary of the first clerk in the treasurer's department, two thousand five hundred dollars.

Assistant-clerk
and cashier.
1866, 298.

For the salaries of the first assistant-clerk and of the cashier in the treasurer's department, three thousand four hundred dollars.

Additional
clerks.
G. S. 15, § 12;
1867, 167.

For such additional clerical assistance as the treasurer may find necessary, a sum not exceeding three thousand three hundred dollars.

TAX COMMISSIONER'S BUREAU.

Deputy tax
commissioner.
1866, 298.

For the salary of the deputy tax commissioner, two thousand dollars.

First clerk.
1867, 167.

For the salary of the first clerk of the tax commissioner, one thousand seven hundred dollars.

For the salary of the second clerk of the tax commissioner, one thousand five hundred dollars.

For such additional clerical assistance as the tax commissioner may find necessary, a sum not exceeding nine thousand dollars.

Second clerk.
1867, 167.

Additional clerks.
1865, 283, § 12.

AUDITOR'S DEPARTMENT.

For the salary of the auditor of accounts, two thousand five hundred dollars.

For the salary of the first clerk in the auditor's department, two thousand two hundred dollars.

For the salary of the second clerk in the auditor's department, one thousand seven hundred dollars.

For such additional clerical assistance as the auditor may find necessary, a sum not exceeding five thousand five hundred dollars.

Auditor of accounts.
1867, 178.

First clerk.
1867, 178.

Second clerk.
1867, 178.

Additional clerks.
1867, 178.

ATTORNEY-GENERAL'S DEPARTMENT.

For the salary of the attorney-general, three thousand five hundred dollars.

For the salary of the assistant attorney-general, one thousand eight hundred dollars.

Attorney-general.
1866, 298.

Assistant attorney-general.
1868, 93.

COMMISSIONERS, ET AL.

For the salary of the commissioner of savings banks, three thousand dollars.

For the salary of the insurance commissioner, two thousand dollars.

For the salary of the clerk of the insurance commissioner, two thousand dollars.

The fees received as compensation for the valuation of life policies are hereby appropriated, to be applied in accordance with the provisions of chapter four hundred and thirty-four of the acts of the year eighteen hundred and sixty-nine.

For the salary of the constable of the Commonwealth, three thousand dollars, and for the compensation, travelling expenses, clerical, incidental and contingent expenses of the state police, a sum not exceeding one hundred and two thousand five hundred and fifty dollars.

For the salary and office expenses of the inspector of gasmeters, three thousand dollars.

For the salaries of the railroad commissioners, twelve thousand dollars for the present year; and five thousand eight hundred thirty-five dollars for the year eighteen hundred and sixty-nine.

Commissioner of savings banks.
1866, 192.

Insurance commissioner.
1866, 255.

Clerk.
1869, 434.

Additional clerks.

Constable of the Commonwealth.
State police.
1865, 249; 1867, 349.

Inspector of gasmeters.
1861, 168, § 2.

Railroad commissioners.
1869, 408, § 8.

- Clerk.
1869, 408, § 7. For the salary of the clerk of the railroad commissioners, two thousand dollars for the present year; and eight hundred and eleven dollars and eighty-three cents for the year eighteen hundred and sixty-nine.
- Liquor commissioner.
1869, 415, § 7. For the salary of the commissioner for the purchase and sale of spirituous and intoxicating liquors, four thousand dollars.
- Assayer of liquors.
1869, 415, § 25. For the salary of the assayer and inspector of liquors, three thousand dollars for the present year; and one thousand two hundred and fifty-eight dollars for the year eighteen hundred and sixty-nine.
- Secretary state board of health.
1869, 420. For the salary of the secretary of the state board of health, two thousand five hundred dollars.
- Bureau of statistics on labor.
Res. 1869, 102. For the salary of the chief of the bureau of statistics on the subject of labor, two thousand five hundred dollars; and for the salary of his deputy, two thousand dollars.

AGRICULTURAL DEPARTMENT.

- Secretary board of agriculture.
1867, 167. For the salary of the secretary of the board of agriculture, two thousand five hundred dollars.
- Clerk.
1869, 96. For the salary of the clerk of the secretary of the board of agriculture, one thousand one hundred dollars.
- Additional clerks.
Lectures.
1869, 96. For the compensation of other clerical services in the office of the secretary of the board of agriculture, and for lectures before the board of agriculture, a sum not exceeding four hundred dollars.

BOARD OF STATE CHARITIES.

- State charities.
Secretary.
1869, 453, § 7. For the salary of the secretary of the board of state charities, three thousand dollars.
- Clerks.
1863, 240, § 7. For such clerical assistance as the secretary of the board of state charities may find necessary, a sum not exceeding five thousand five hundred dollars.
- Agent.
1866, 298. For the salary of the general agent of the board of state charities, three thousand dollars.
- Clerks.
1863, 240, § 7. For such clerical and other assistance as the general agent of the board of state charities may find necessary, a sum not exceeding fifteen thousand dollars.
- Visiting agent.
1869, 453. For the salary of the visiting agent of the board of state charities, the sum of two thousand five hundred dollars; and for such clerical and other assistance as he may find necessary, a sum not exceeding five thousand dollars.
- Transportation of state paupers.
1863, 240, § 2. For the transportation of state paupers, to be expended by the agent of the board of state charities, a sum not exceeding thirteen thousand dollars; and any additional assistance

necessary to effect such transportation shall be paid out of said sum: *provided*, a detailed report of such expenditures shall be rendered to the auditor of accounts on the first day of every month.

EDUCATIONAL DEPARTMENT.

For the salary and expenses of the secretary of the board of education, three thousand four hundred dollars, to be paid from the moiety of the income of the Massachusetts school fund applicable to educational purposes.

Board of education.
Secretary.
1867, 276.

For the salary and expenses of such agent or agents as the board of education may appoint, a sum not exceeding three thousand two hundred dollars, to be paid from the moiety of the income of the Massachusetts school fund applicable to educational purposes.

Agent.
G. S. 34.

For the salary of the assistant-librarian and clerk of the board of education, two thousand dollars.

Assistant-librarian and clerk.
1866, 298.

For such additional clerical assistance in the state library as may be found necessary, a sum not exceeding one thousand five hundred dollars.

Additional clerks.
G. S. 5; Res.
1861, 33; 1866,
28; 1867, 22;
1869, 68.

MILITARY DEPARTMENTS.

For the salary of the adjutant-general, two thousand five hundred dollars.

Adjutant-general.
1866, 298.

For the salary of the first clerk of the adjutant-general, two thousand dollars.

First clerk.
1866, 298.

For such additional clerical assistance as the adjutant-general may find necessary, a sum not exceeding ten thousand four hundred dollars.

Additional clerks.
1866, 299; 1867,
167.

For the salary of the surgeon-general, a sum not exceeding two thousand five hundred dollars. For such clerical assistance as the surgeon-general may find necessary, a sum not exceeding two thousand dollars.

Surgeon-general.
Clerks.
1861, 219, § 15;
1866, 298, 299.

For the compensation of a messenger in the surgeon-general's bureau, a sum not exceeding two hundred dollars.

Messenger.
1866, 298, 299.

For the completion of the bounty records of the Commonwealth, under the direction of the governor, a sum not exceeding two thousand dollars.

Bounty records.
1863, 254, § 5;
1866, 298, 299.

For the salary of the superintendent of the state arsenal in Cambridge, a sum not exceeding one thousand eight hundred dollars.

Superintendent of arsenal.
1866, 298, 299.

For the compensation of the employés at the state arsenal in Cambridge, a sum not exceeding two thousand seven hundred dollars.

Employés at arsenal.
1866, 298, 299.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1870.

Chap. 13. AN ACT TO REVIVE THE CHARTER OF THE MONSON GRANITE COMPANY.

Be it enacted, &c., as follows:

Charter re-
vived, and time
for organizing
extended.

SECTION 1. Chapter one hundred and seventy-nine, of the acts of the year eighteen hundred and sixty-six, is hereby revived and continued in force, and the time for organizing said corporation authorized thereby is hereby extended two years.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1870.

Chap. 14. AN ACT TO INCORPORATE THE FALL RIVER MANUFACTURERS' MUTUAL INSURANCE COMPANY.

Be it enacted, &c., as follows:

Corporators.

Name and pur-
pose.

Powers and du-
ties.

What policies
may issue.

Proviso.

SECTION 1. Stephen Davol, S. Angier Chace, David A. Brayton, their associates and successors, are hereby made a corporation by the name of the Fall River Manufacturers' Mutual Insurance Company, to be located in the city of Fall River, for the purpose of insuring manufactories, and other buildings, and their contents, against loss or damage by fire, on the mutual principle; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are, or hereafter may be in force, relating to such corporations.

SECTION 2. Said corporation may issue policies upon any property, included in the terms of section first, situated in the New England states, and in the states of New York, New Jersey and Pennsylvania: *provided, however*, that no policy shall be issued until the sum of one million dollars has been subscribed to be insured.

SECTION 3. This act shall take effect upon its passage.

Approved February 11, 1870.

Chap. 15. AN ACT TO REVIVE THE NEWTON BANK, FOR CERTAIN PURPOSES.

Be it enacted, &c., as follows:

Charter revived
for purpose of
making convey-
ance of real
estate.

SECTION 1. The corporation heretofore known as the president, directors and company of the Newton Bank, and located in Newton, is hereby revived and continued for the purpose of enabling the president and directors of said Newton Bank at the time when the same became an association for carrying on the business of banking under the laws of the United States, to re-convey, transfer, or release any real estate, or any interest therein, conveyed to said bank as collateral security for any indebtedness afterwards paid or discharged, unto the parties by whom such conveyance was

made to said bank, or to their assigns, and for no other purpose whatever.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1870.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE "THE GLOUCESTER FIRE INSURANCE COMPANY."

Chap. 16.

Be it enacted, &c., as follows:

SECTION 1. The Gloucester Fire Insurance Company is hereby authorized to insure against maritime losses, in addition to the powers granted by virtue of chapter two hundred and eighty-five, of the acts of the year eighteen hundred and sixty-nine; and it shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in all general laws which now are, or hereafter may be in force relating to fire and marine insurance companies.

May insure against maritime losses.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1870.

AN ACT TO AMEND THE CHARTER OF THE ESSEX INSTITUTE.

Chap. 17.

Be it enacted, &c., as follows:

SECTION 1. The Essex Institute shall have for its objects the advancement of the arts, literature and science, in addition to the objects for which the Essex Historical Society and the Essex County Natural History Society were incorporated.

Advancement of the arts, &c.

SECTION 2. The third section of chapter five, of the acts of the year eighteen hundred and forty-eight, is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its acceptance by said Essex Institute at a meeting duly held for that purpose.

When to take effect.

Approved February 12, 1870.

AN ACT TO INCORPORATE THE TAUNTON STREET RAILWAY COMPANY.

Chap. 18.

Be it enacted, &c., as follows:

SECTION 1. William C. Lovering, Henry G. Reed, Charles Albro, William Mason, Samuel Colby, Artemas Briggs, Hezekiah W. Church, their associates and successors, are hereby made a corporation, by the name of the Taunton Street Railway Company, with authority to build, maintain and use a street railway, beginning at some convenient point or points at Weir village, in the city of Taunton, and running to City Square; thence through the villages of Hopewell and Brianniaville, to some convenient point or points at Whittenton village, in said city; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws, which now are or hereafter may be in force relative to street railway corporations.

Corporators.

Name and purpose.

Powers and duties.

Capital stock. SECTION 2. The capital stock of said corporation shall not exceed one hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved February 12, 1870.

Chap. 19. AN ACT IN ADDITION TO AN ACT ESTABLISHING THE STATE WORKHOUSE AT BRIDGEWATER.

Be it enacted, &c., as follows :

1869, 258,
amended.

SECTION 1. Chapter two hundred and fifty-eight of the acts of the year eighteen hundred and sixty-nine is hereby so far amended, that any one of the overseers of the poor of any city or town, or in the city of Boston, any member of the board of directors for public institutions, may make the complaint provided to be made under the first section of said act.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1870.

Chap. 20. AN ACT CONCERNING THE SUBURBAN AND MIDDLESEX RAILROAD COMPANIES.

Be it enacted, &c., as follows :

Middlesex and
Suburban rail-
roads may con-
solidate.

SECTION 1. The Suburban Railroad Company is hereby authorized to unite and consolidate with the Middlesex Railroad Company, at such time and on such terms as may be mutually agreed upon by said corporations; and when thus united, said corporations shall constitute one corporation, under the name of the Middlesex Railroad Company: *provided, however*, that the terms of such union shall be approved by a majority in interest of the stockholders of each of said corporations respectively, present and voting at meetings called for the purpose, at which a quorum shall be represented.

Proviso.

Powers and du-
ties.

SECTION 2. The corporation formed as aforesaid shall have, hold, possess and enjoy, all the powers, privileges, rights, franchises, property and estates, which at the time of such union may be held and enjoyed by each of the corporations so united; and shall be subject to all the duties, restrictions and liabilities to which they may be at that time severally subject.

SECTION 3. This act shall take effect upon its passage.

Approved February 15, 1870.

Chap. 21. AN ACT MAKING ADDITIONAL APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND SIXTY-NINE, AND PREVIOUS YEARS, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Appropriations
authorized.

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth,

from the ordinary revenue, except in cases otherwise ordered, for the purposes specified herein, to wit:

LEGISLATIVE DEPARTMENT.

For printing and binding ordered by the senate or house of representatives, or by the concurrent order of the two branches, a sum not exceeding twelve thousand five hundred and seventy-three dollars and forty-seven cents.

Printing and binding ordered by legislature.
Res. 1856, 74.

For printing blanks and circulars, and the calendar of orders of the day for the use of the senate, a sum not exceeding three hundred and eleven dollars and forty-seven cents.

Senate printing.
Res. 1856, 74.

For printing blanks and circulars, and the calendar of orders of the day for the use of the house of representatives, a sum not exceeding two hundred and seventeen dollars and seven cents.

House printing.
Res. 1856, 74.

For stationery for the senate, purchased by the clerk of the senate, a sum not exceeding one hundred and two dollars and eighty-one cents.

Senate stationery.
Res. 1856, 74.

For contingent expenses of the senate and house of representatives, a sum not exceeding one thousand and thirty-two dollars and seventy-two cents.

Contingent expenses, legislature.
G. S., 14, § 62.

STATE PRINTING.

For printing and binding the series of public documents in the last quarter of the year eighteen hundred and sixty-eight, a sum not exceeding two thousand eight hundred and thirty dollars and fifteen cents.

Public documents.
G. S. 4.

For printing the pamphlet edition of the general acts and resolves of the year eighteen hundred and sixty-nine, a sum not exceeding two thousand one hundred and fifteen dollars and forty-seven cents.

Pamphlet edition of acts and resolves.
G. S. 3; 1866, 65.

For printing and binding the Supplement to the General Statutes for the year eighteen hundred and sixty-nine, a sum not exceeding two hundred and seventy-three dollars and eighty-nine cents.

Supplement to the General Statutes.
G. S. 3.

MISCELLANEOUS.

For repairs, improvements and furniture of the state house for the year eighteen hundred and sixty-nine, a sum not exceeding two thousand four hundred and thirty-nine dollars and ten cents; and for the year eighteen hundred and sixty-eight, a sum not exceeding twenty-nine dollars and fifty-three cent.

Repairs and furniture at state house.
G. S. 14, § 62.

Incidental expenses, secretary's department.
G. S. 14.

Auditor's department.
1867, 178.

Attorney-general's department.
G. S. 14.

Militia bounty.
1866, 219; 1867, 266.

Military accounts.
1866, 219; 1867, 266.

Visiting agent, board of state charities.
1869, 453.

Secretary board of agriculture.
G. S. 16.

Board of agriculture, expenses.
G. S. 16.

Cattle commissioners.
Res. 1866, 17.

Harbor commissioners.
1866, 149.

Nautical school.
G. S. 76.

Commissioners of Cape Cod Harbor.
Res. 1867, 86.

Valuation books.
1861, 167.

Railroad commissioners.
1869, 408, § 7.

Industrial school for girls.
G. S. 75.

For incidental expenses of the secretary's department, a sum not exceeding one thousand two hundred and seventy-four dollars and forty-one cents.

For incidental expenses of the auditor's department, a sum not exceeding two hundred and thirty-two dollars and forty cents.

For fees, costs and court expenses of the attorney-general, and for incidental and contingent expenses of the attorney-general's department, a sum not exceeding three hundred and fifty-four dollars and eighty cents.

For militia bounty, a sum not exceeding seven thousand two hundred and fifty-four dollars and ninety-five cents.

For military accounts, a sum not exceeding one thousand five hundred and eighty-one dollars and ninety-two cents.

For expenses of the visiting agency of the board of state charities, a sum not exceeding seven hundred and ninety-four dollars and sixty-six cents.

For expenses of the secretary of the board of agriculture, a sum not exceeding one hundred and twenty-eight dollars and ninety-eight cents.

For the personal expenses of members of the board of agriculture, a sum not exceeding two hundred and fifty dollars.

For expenses of the cattle commissioners appointed in the year eighteen hundred and sixty-eight, a sum not exceeding twenty-five dollars.

For compensation and expenses of the harbor commissioners, a sum not exceeding two thousand nine hundred and fifty-six dollars.

For the current expenses of the Massachusetts nautical school, a sum not exceeding four hundred and ninety-six dollars and sixty-nine cents.

For the compensation and expenses of the commissioners of Cape Cod harbor, a sum not exceeding two thousand four hundred and twenty-five dollars and seventeen cents, the same to be taken and paid from the coast defence fund.

For valuation books for the year eighteen hundred and sixty-nine, a sum not exceeding one thousand eight hundred and sixty-nine dollars and twenty-five cents.

For incidental and contingent expenses of the railroad commissioners, a sum not exceeding six hundred and eighty-two dollars and forty-eight cents.

For the current expenses of the industrial school for girls, a sum not exceeding one thousand two hundred and twenty-five dollars and forty cents.

For expenses of the Rainsford Island Hospital property, a sum not exceeding one hundred and twenty dollars.

Rainsford Isl-
and hospital.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1870.

AN ACT TO AMEND THE ACT INCORPORATING THE WORCESTER SAFE DEPOSIT AND TRUST COMPANY.

Chap. 22.

Be it enacted, &c., as follows:

SECTION 1. It shall be lawful for the Worcester Safe Deposit and Trust Company to invest its capital stock and all the moneys intrusted to it, or in any way received by it, in the authorized loans of the United States, or any of the New England states, or cities or towns of said states, and in the stock of national banks, or other banks organized in this Commonwealth; in the first mortgage bonds of any railroad company incorporated in the New England states, which has earned and paid regular dividends for two years next preceding such investment, or in the bonds of any such railroad company as is unincumbered by mortgage, or in the stock of any such railroad companies; and the said corporation may make loans upon mortgages on real estate within this Commonwealth, or upon the notes of corporations created under the laws of any of the New England states, and the notes of individuals, with a sufficient pledge as collateral of any of the aforesaid securities; but all real estate acquired by foreclosure of mortgage, or by levy of execution, shall be sold by public auction within two years after such foreclosure or levy.

What invest-
ments may be
made.

What loans
may be made.

Real estate to
be sold by pub-
lic auction.

SECTION 2. Said corporation shall semi-annually make a return to the commissioner of savings banks in this Commonwealth on or before the second Mondays of May and November, which shall be signed and sworn to by a majority of its board of directors; and said return shall specify the following, namely: capital stock; amount of all moneys and property in detail in the possession or charge of said company as deposits; trust funds or for purposes of investment; number of depositors; investments in authorized loans of the United States or any of the New England states, or cities or towns, stating amount in each; invested in bank stock, stating amount in each; invested in railroad stock, stating amount in each; invested in railroad bonds, stating amount in each; loans on the notes of corporations; loans on notes of individuals; loans on mortgage of real estate; cash on hand; rate, amount and date of dividends since last return; and the commissioner of savings banks shall have access to the vaults, books and papers of the company, and it shall be his

To make return
to commissioner
of savings
banks.

duty to inspect, examine and inquire into its affairs, and to take proceedings in regard to them in the same manner, and to the same extent, as if this corporation were a savings bank, subject to all the general laws which now are, or hereafter may be in force, relating to such institutions in this regard.

Repeal.

SECTION 3. Sections four and five of chapter two hundred and ninety-six of the acts of the year eighteen hundred and sixty-nine, incorporating the Worcester Safe Deposit and Trust Company are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved February 16, 1870.

Chap. 23. AN ACT TO AUTHORIZE THE PROPRIETORS OF CERTAIN TIDE MEADOWS IN SALISBURY TO PROTECT THE SAME FROM OVERFLOW.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. William Cushing, William S. Pettengill, Lewis Greenleaf, their associates, successors and assigns, proprietors of tide meadows in the town of Salisbury, situated on the south-easterly side of the Eastern Railroad, are authorized and empowered to construct a dike or embankment, or tide-gates, at the intersection of the said railroad with the town creek, so called, for the purpose of improving the said meadows, and protecting them against overflow by the tide in the Merrimack River and in said creek.

May construct a dike in Salisbury.

To provide a landing place.

SECTION 2. The said proprietors, in case they shall construct such dike or embankment, or tide-gates, as aforesaid, shall provide, for all persons entitled by law to use the said creek, a landing place on the north-westerly side of the said railroad.

Powers and duties.

SECTION 3. The said proprietors may manage their affairs as proprietors of general fields, and as such shall have all the powers and be subject to all the duties and liabilities conferred and imposed on the proprietors of general fields by the sixty-seventh chapter of the General Statutes.

SECTION 4. This act shall take effect upon its passage.

Approved February 17, 1870.

Chap. 24. AN ACT TO INCORPORATE THE NORTH END SAVINGS BANK IN THE CITY OF BOSTON.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. John H. Reed, Charles Amory, Robert Marsh, their associates and successors, are hereby made a corporation by the name of the North End Savings Bank, to be located northerly of Friend street, in the city of Boston ; with all the powers and privileges, and subject to all the liabilities and restrictions set forth in all general laws, which now are, or

Name.

Powers and duties.

may be in force in this Commonwealth, relative to institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1870.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE AMERICAN WATCH COMPANY. *Chap. 25.*

Be it enacted, &c., as follows :

SECTION 1. The American Watch Company, in the town of Waltham, may increase its capital stock to an amount not exceeding seven hundred thousand dollars, in addition to the amount now allowed by law; the same to be divided into shares of one hundred dollars each. \$700,000 additional capital stock.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1870.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A BRIDGE OVER GREEN HARBOR RIVER, IN MARSHFIELD. *Chap. 26.*

Be it enacted, &c., as follows :

SECTION 1. The county commissioners of Plymouth county are hereby authorized to construct a bridge, with a suitable draw to accommodate navigation, over Green Harbor River, in Marshfield, at a point not less than two thousand feet above the mouth of said river. May build bridge over Green Harbor River, in Marshfield.

SECTION 2. This act shall take effect upon its passage.

Approved February 19, 1870.

AN ACT TO AMEND AN ACT TO INCORPORATE THE BOSTON DENTAL COLLEGE. *Chap. 27.*

Be it enacted, &c., as follows :

SECTION 1. The trustees of the Boston Dental College shall have authority to confer the degree of doctor of dental surgery upon candidates therefor of adult age and of good moral character, who have pursued their professional studies three years under competent instructors, and have attended two full courses of lectures in the college: *provided*, that a certificate of attendance upon one course of lectures in any respectable dental or medical college, or five years' reputable practice may be considered a substitute for the first course of lectures hereby required; and *provided, further*, that candidates shall maintain a thesis and undergo an examination to the satisfaction of the faculty, and satisfy the professors of operative and mechanical dentistry of their ability to meet satisfactorily the requirements of their art. Degree of doctor of dental surgery may be conferred upon certain conditions.

SECTION 2. Section four of chapter two hundred and seventy-five of the acts of the year eighteen hundred and sixty-eight is hereby repealed. Repeal

SECTION 3. This act shall take effect upon its passage.

Chap. 28. AN ACT TO AMEND AN ACT CONCERNING THE APPOINTMENT OF MEN
FOR HOSE-CARRIAGES.

Be it enacted, &c., as follows :

1869, 92, § 1,
amended.

SECTION 1. Section one of chapter ninety-two of the acts of the year eighteen hundred and sixty-nine is hereby amended by inserting the words "or reservoirs" immediately after the word "hydrants."

SECTION 2. This act shall take effect upon its passage.

Approved February 19, 1870.

Chap. 29. AN ACT TO AUTHORIZE THE NORTHAMPTON AND WILLIAMSBURG
STREET RAILWAY COMPANY TO REDUCE THE AMOUNT OF ITS CAPITAL STOCK.

Be it enacted, &c., as follows :

May reduce
capital stock.

SECTION 1. The Northampton and Williamsburg Street Railway Company is hereby authorized to reduce its capital stock to one hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1870.

Chap. 30. AN ACT AUTHORIZING THE ALBANY STREET FREIGHT RAILWAY COM-
PANY TO REDUCE ITS CAPITAL STOCK.

Be it enacted, &c., as follows :

May reduce
capital stock.

SECTION 1. The Albany Street Freight Railway Company is hereby authorized to reduce its capital stock to seventy-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1870.

Chap. 31. AN ACT TO INCORPORATE THE LAWRENCE FIRE INSURANCE COMPANY
OF BOSTON.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. William Perkins, Joseph B. Glover, Charles L. Young, their associates and successors, are hereby made a corporation, by the name of the Lawrence Fire Insurance Company of Boston, to be located in the city of Boston, for the purpose of making insurances against losses by fire ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Name and pur-
pose.

Powers and du-
ties.

Capital stock
and shares.

SECTION 2. Said corporation shall have a capital stock of two hundred thousand dollars, divided into shares of one hundred dollars each ; and shall have the right to increase the same, from time to time, to an amount not exceeding three hundred thousand dollars : *provided*, the amount of such increase be paid in in cash, within three years from the date of this act.

SECTION 3. Said corporation may commence business, when two hundred thousand dollars shall have been subscribed and paid in in cash. When may commence business.

SECTION 4. This act shall take effect upon its passage.

Approved February 22, 1870.

AN ACT TO REVIVE THE MERCHANTS' BANK OF LOWELL FOR CERTAIN PURPOSES.

Chap. 32.

Be it enacted, &c., as follows :

SECTION 1. The existence of the corporation heretofore known as the President, Directors and Company of the Merchants' Bank, and located in Lowell, is hereby revived and continued for the purpose of enabling the president and directors of said Merchants' Bank, at the time when the same became an association for carrying on the business of banking under the laws of the United States, to convey, assign and transfer to the Merchants' National Bank of Lowell any real estate or interests therein of said Merchants' Bank, and for no other purpose whatever. Charter revived for the purpose of conveying real estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 22, 1870.

AN ACT TO AUTHORIZE THE SUFFOLK SAVINGS BANK, FOR SEAMEN AND OTHERS, TO HOLD ADDITIONAL REAL ESTATE.

Chap. 33.

Be it enacted, &c., as follows :

SECTION 1. The Suffolk Savings Bank, for Seamen and others, is hereby authorized to hold real estate to the amount of one hundred thousand dollars, in addition to the amount now authorized by law: *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building to be used for banking purposes; and all income, if any, arising from such real estate shall be devoted exclusively to the interests of said corporation. \$100,000 additional real estate.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved February 22, 1870.

AN ACT TO INCORPORATE THE NATIONAL GLASS INSURANCE COMPANY.

Chap. 34.

Be it enacted, &c., as follows :

SECTION 1. Charles S. Homer, John P. Palmer, Abram S. French, their associates and successors, are hereby made a corporation by the name of the National Glass Insurance Company, in the city of Boston, for the purpose of making insurances against the breaking of plate and other glass or mirrors; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to fire insurance corporations. Corporators.

Name and purpose.

Powers and duties.

May issue policies upon conditions agreed upon.

SECTION 2. Said corporation is authorized to make and issue policies of insurance against loss or damage caused by the breaking of plate and other glass or mirrors, upon such rates and conditions as may be specified in the agreement or policy of insurance between the said corporation and the respective parties obtaining such insurance.

Capital stock and shares.

When may commence business.

SECTION 3. Said corporation shall have a capital stock of one hundred thousand dollars, to be divided into shares, the par value of which shall be one hundred dollars each; and may commence business when fifty thousand dollars of its capital stock shall have been subscribed for and paid in in cash; and the balance of said one hundred thousand dollars shall be paid in within one year from the time when said corporation shall commence business.

SECTION 4. This act shall take effect upon its passage.

Approved February 22, 1870.

Chap. 35.

AN ACT TO INCORPORATE THE TOWN OF NORFOLK.

Be it enacted, &c., as follows :

Territory in towns of Wrentham, Franklin, Medway and Walpole established as town of Norfolk.

SECTION 1. All the territory now within the towns of Wrentham, Franklin, Medway and Walpole, in the county of Norfolk, comprised within the following limits, that is to say: beginning at a point on Charles River, in the north-west angle of Wrentham, and following in an easterly course the present line of division between Wrentham and Medfield to Stop River; thence running southerly along said river, and separated by the thread of its stream from Walpole, to a point forty rods north of the mouth of the first brook running into said river, below Campbell's Mills, on the easterly side; thence from said point, by a straight line, running to the junction of Back and Bird streets, in Walpole; thence to the easterly side of said Bird street to its junction with West street; thence westerly by the northerly side of West street, twenty-five rods; thence southerly and near to and westerly from the barn belonging to the home estate of Charles Bird, until said line strikes Stop River, one hundred and twenty rods southerly from West street; thence along said river as far as Wrentham and Walpole are separated by the thread of its stream; thence by a straight line, running westerly of the Walpole almshouse and easterly of the farm buildings of Patrick Reardon, and easterly of the Dupee Blake place, so called, to a point on the line between Walpole and Foxborough, one hundred and twenty-five rods north-easterly from Dedham Rock; thence from said point, following the present line of division, between Wrentham and Foxborough, to Dedham Rock; thence southerly from said rock along the pres-

ent line of Wrentham and Foxborough to a point on said line on the southerly side of Pine street ; thence by a straight line to a point on the westerly side of Everett street, northerly of the house of Edmund T. Everett, and southerly of the Pondville cemetery, to a point on the westerly side of North street, five rods southerly of the farm buildings of Samuel J. Benn ; thence through the Stony Brook reservoir, near to the house of E. S. Nash, to a point on the line between Franklin and Wrentham, ninety rods southerly of the house late of Eliphallet Lawrence ; thence running northerly, by a straight line, near to and west of the farm buildings of the home estate of J. E. Pollard, near the Elliot Felting Mills, near to and thirty-five rods west of the present residence of Saul B. Scott, to the southern extremity of Populatic Pond ; thence along the western shore of said pond, at low-water mark, to Charles River ; thence in an easterly course upon Charles River, and separated by the thread of its stream from Medway to the centre of the iron bridge over said river ; thence upon the thread of said river to the bridge of the Medway branch railroad ; thence along the southerly side of said railroad, twenty-eight rods, to a point ; thence from said point, by a straight line running in a north-easterly course, passing south-easterly of and near to the village of Deanville, near to and south of the old barn belonging to John Barber, to a point on Baltimore street, two rods from said barn ; thence by a straight line to the easterly side of the great bend in Charles River and near the old fording place ; thence upon said river, and separated by the thread of its stream, from Medway to the point of beginning ;—is hereby incorporated into a town by the name of Norfolk ; and said town of Norfolk is hereby invested with all the powers, privileges, rights and immunities, and is subject to all the duties and requisitions to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Powers and duties.

SECTION 2. The inhabitants of said town of Norfolk shall be holden to pay all arrears of taxes, which have been legally assessed upon them by the towns of Wrentham, Franklin, Medway and Walpole, respectively ; and all taxes heretofore assessed and not collected, shall be collected and paid to the treasurers of the towns of Wrentham, Franklin, Medway and Walpole, respectively, in the same manner as if this act had not been passed ; and until the next general valuation of estates in this Commonwealth, the town of Norfolk shall annually pay over to the said towns of Wrentham, Franklin, Medway and Walpole, respectively, the proportion of any state or county tax which the said towns of Wrentham, Franklin,

Taxes : town, State and county, how to be paid, &c.

Medway and Walpole, respectively, may be required to pay, upon the inhabitants or estates hereby set off; said proportion to be ascertained and determined by the respective valuations of the said towns of Wrentham, Franklin, Medway and Walpole, next preceding the passage of this act.

Maintenance of
paupers.

SECTION 3. Said towns of Wrentham, Franklin, Medway, Walpole and Norfolk, shall be respectively liable for the support of all persons who now do, or shall hereafter stand in need of relief as paupers, whose settlement was gained by or derived from a settlement gained or derived within their respective limits.

School-houses,
town debts, &c.

SECTION 4. The towns of Wrentham, Franklin, Medway, Walpole and Norfolk shall retain the school-houses within their respective limits, and the town of Norfolk shall assume and pay its just and equitable proportions, according to its present assessed valuation, of any debt due or owing from the towns of Wrentham and Franklin, respectively, at the time of the passage of this act, and shall be entitled to receive from said towns, respectively, its just and equitable proportion, according to said assessed valuation, of all the corporate property then owned by said towns of Wrentham and Franklin, respectively, including therein the school-houses retained by said Wrentham, Franklin and Norfolk, respectively; and said town of Norfolk shall be held to refund to said towns of Wrentham and Franklin, respectively, its just proportion of the surplus revenue, whenever the same shall be called for according to law; such proportion to be determined by the decennial state valuation next preceding such call. And in case the proportions aforesaid cannot be agreed upon by said towns of Norfolk, Wrentham and Franklin, respectively, the same shall be determined by three commissioners, to be appointed by the superior court for said county of Norfolk, upon a petition of either of said towns.

Representa-
tives to the gen-
eral court.

SECTION 5. The territory of the town of Norfolk, heretofore part of the towns of Franklin and Walpole, for the purpose of electing representatives to the general court until the next decennial census, or until another apportionment be made, shall remain a part of said towns of Franklin and Walpole, respectively, and vote therefor at such places, respectively, as the said towns shall vote; and the selectmen of Norfolk shall make a true list of all persons within their town, qualified to vote at every such election, and shall post up the same in said town of Norfolk, and shall correct the same as required by law, and shall deliver a true list of all such voters as are entitled to vote in said towns of Franklin

and Walpole, respectively, to the selectmen thereof, seven days at least before such election, to be used thereat.

And the territory of the town of Norfolk, heretofore part of the towns of Wrentham and Medway, until another apportionment be made, shall, for the purpose of electing representatives to the general court, remain a part of the twelfth Norfolk representative district, and vote for the same in the town of Norfolk; and the clerk of the town of Norfolk shall make returns and meet with the clerks of the towns of Foxborough, Medway and Wrentham for the purpose of ascertaining the result of the election and making certificates of the same at the time and place now provided for said meeting by law; and the territory of said town of Norfolk, until legally changed, shall, for the purpose of electing a representative in congress, continue to be part of congressional district numbered eight; and for the purpose of electing a councillor, part of the second councillor district; and for the purpose of electing a senator, a part of the third Norfolk district.

Congressional,
councillor and
senatorial dis-
trict.

SECTION 6. Any justice of the peace within and for the county of Norfolk, may issue his warrant, directed to any principal inhabitant of the town of Norfolk, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place appointed for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings; and said warrant shall be served by posting up copies thereof, attested by the person to whom the same is directed, in three public places in said town, seven days at least before such meeting. Such justice, or, in his absence, such principal inhabitant, shall preside until the choice of moderator in said meeting. The selectmen of the towns of Wrentham, Franklin, Medway and Walpole shall, before said meeting, prepare a list of voters from their respective towns within said Norfolk, qualified to vote at said meeting, and shall deliver the same to the person presiding at said meeting before the choice of a moderator thereof.

Meeting for
choice of town
officers.

Selectmen to
prepare lists of
voters.

SECTION 7. This act shall take effect upon its passage.

Approved February 23, 1870.

AN ACT TO INCORPORATE THE CAPE COD SHIP CANAL COMPANY.
Be it enacted, &c., as follows:

Chap. 36.

SECTION 1. Alpheus Hardy, Thomas Russell, Henry H. Sturgis, Charles Allen, James Hoy, Arthur G. Bradbury, William H. Jackson, Albert B. Steinberger, William R. Hynes, Rufus Ingalls and Charles A. Secor, their associates and successors, are hereby made a corporation, by the name

Corporators.

Name.

Powers and duties. of the Cape Cod Ship Canal Company; with all the privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to railway corporations, so far as they may be applicable, except as hereinafter provided.

May construct a ship canal. SECTION 2. Said corporation may locate, construct, maintain and operate a ship canal, beginning at some convenient point in Buzzard's Bay, and running through the town of Sandwich to some convenient point in Barnstable Bay; together with all such breakwaters, wharves, docks, locks, gates and other structures and works as may be necessary for the convenient using of said canal; and in connection therewith may maintain and operate steam tugs, or use any other suitable means or methods for assisting vessels in their approach to and passage through and from the canal.

Width of canal, location, &c. SECTION 3. Said corporation may lay out its canal not exceeding one thousand feet wide, and shall file the location thereof within one year with the county commissioners of Barnstable County, defining the courses, distances and boundaries thereof; and said canal shall be commenced within two years, and shall be completed within seven years from the passage of this act.

May take land, &c. SECTION 4. Said corporation may purchase or otherwise take land or materials necessary for making or securing its canal, and for breakwaters, docks, wharves, locks, gates or other structures and works referred to in section two. If not able to obtain such land or materials by agreement with the owner, it shall pay such damages therefor as the county commissioners estimate and determine.

Damages to be determined by county commissioners. SECTION 5. Said corporation shall pay all damages occasioned by laying out and making and maintaining its canal, or by taking any land or materials, as provided in section four; and such damages shall, upon the application of either party, be estimated by the county commissioners, in the manner provided in laying out highways; and the residence of one of said commissioners in the town of Sandwich shall not disqualify him from acting under the provisions of this act; and when it is intended to take land or materials, application may be made before the actual taking or appropriation thereof.

—to be estimated as in laying out highways. SECTION 6. Either party, if dissatisfied with the estimate made by the commissioners, may at any time within one year after it is completed and returned, apply for a jury to assess the damages. Upon such application, the prevailing party shall recover legal costs, and the proceedings thereon shall

Parties aggrieved may apply for a jury.

be the same as is provided for the recovery of damages in the laying out of highways.

SECTION 7. The provisions relating to railways, contained in the General Statutes, chapter sixty-three, sections twenty-four to thirty-five inclusive, and thirty-eight to forty-five inclusive, shall also extend to said corporation, so far as applicable.

General provisions relating to railways to apply.

SECTION 8. It shall be the duty of the Cape Cod Railroad Company so to alter their location as to cross the said canal but once, which crossing shall be at a point to be fixed by the railroad commissioners, in case the railroad company and canal company do not agree upon the same, which they are hereby authorized to do; and in making said alteration they shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws relating to railroads. And the Cape Cod Ship Canal Company shall thereupon proceed to build the railroad upon the new location, and complete the same in such manner and at such time as may be prescribed by the railroad commissioners, and to their satisfaction, in case the parties do not agree upon the same; and shall pay all damages caused by the construction of said railroad on such new location, and shall be liable for such damages as in case of the construction of railroads. And the Cape Cod Ship Canal Company shall also build and maintain a bridge across said canal, suitable for the passing of the railroad, and also for the passing of the highway, at the point fixed upon as above provided, which said bridge shall have a suitable draw for the passage of vessels; and said canal company shall also provide for such drawbridge a steady and discreet superintendent, experienced in the management of vessels, who shall have full control and direction of the passing of vessels through the draw. And railroad passenger trains shall have precedence over vessels, when there is occasion for such trains to pass said bridge.

Cape Cod Railroad to cross canal but once.

Bridge to be maintained by Canal Company.

Superintendent of bridge.

SECTION 9. The Cape Cod Railroad Company shall have its location, not exceeding five rods in width, upon any land owned or located upon by said canal company, up to the said bridge, on each side thereof: *provided*, that all reasonable use of said location by the canal company, for the purpose of operating their canal, and under the direction of the railroad commissioners, shall be permitted by the railroad company, without payment of rent to the railroad company.

Location of railroad to be up to bridge on each side.

Proviso.

SECTION 10. The Cape Cod Railroad Company shall, upon the completion and acceptance by the railroad commissioners of the newly constructed railroad and bridge, as above provided, allow and pay to the Cape Cod Ship Canal Company

Railroad to pay for certain materials; value to be determined by commissioners.

the value of such iron and other materials as may remain upon that portion of the line of said railroad which is to be given up; such value to be determined by the railroad commissioners, in case the parties do not agree upon the same. And the said canal company shall thereafter take and own the land upon that portion of the line of the railroad which is to be given up.

Penalty for obstructing superintendent of bridge.

SECTION 11. Whoever obstructs the superintendent of the drawbridge, provided for in section eight, in the performance of his duties, shall pay a fine of not less than three nor more than fifty dollars.

—for defacing the bridge, obstructing draw, &c.

SECTION 12. Whoever breaks, defaces or impairs said bridge, or any wharf or pier appurtenant thereto, or unnecessarily opens or obstructs the draw without the consent of the superintendent, or, without such consent, makes fast or moors any scow, raft or other vessel to said bridge within wake of the draw, shall pay a fine of not less than three nor more than fifty dollars.

—for disturbing or hindering superintendent.

SECTION 13. Whoever wilfully injures or damages said bridge, wharf or pier, or wilfully disturbs or hinders the superintendent in the discharge of his duties, shall forfeit for each offence a sum not exceeding one hundred dollars, and be further liable in damages to the Cape Cod Ship Canal Company.

General provisions relating to drawbridges to apply.

SECTION 14. The provisions relating to drawbridges, contained in sections seventy-four, seventy-five and seventy-six, of chapter sixty-three of the General Statutes, and in chapter one hundred and thirty-one of the acts of the year eighteen hundred and sixty-three, shall extend to said bridge, so far as applicable. And the same penalties and forfeitures provided in section six of said last named statute shall also be in force and may be recovered of the Cape Cod Railroad Company, or any engineer, or any superintendent of said bridge, in like manner as therein enacted.

Ferry at North Sandwich.

SECTION 15. The Cape Cod Ship Canal Company shall provide and maintain, at North Sandwich and at West Sandwich, at such point as may be designated by the railroad commissioners, a suitable ferry across their canal, for passengers and teams, to be operated under rules to be established by the railroad commissioners.

Highways to connect with bridge.

SECTION 16. The said canal company shall also construct such highways, to connect with the bridge provided for in section eight of this act, as the railroad commissioners shall prescribe; not, however, exceeding one-half mile in length, upon each side of the bridge. And after the completion of such highways, and their acceptance by the railroad commis-

sioners, the said canal company shall not be responsible in any manner for the further maintenance of the same.

SECTION 17. The said canal company shall also make such suitable provision for the continuance of the herring fishery in Monument River and Herring Pond as the commissioners on inland fisheries may prescribe; and in case of injury to any private fishery, shall pay to the owner thereof such damages as shall, upon the application of either party, be estimated by said commissioners, in a manner similar, so far as may be, to that provided in laying out highways; and with a similar right of appeal to a jury, by proceedings like those provided for in section six.

Herring fisheries in Monument River, &c.

SECTION 18. The said corporation may establish, for its sole benefit, a toll upon all vessels or water craft, of whatever description, which may use its canal, at such rates as the directors thereof may determine; and may from time to time regulate such use in all respects as the directors may determine. Said corporation shall also furnish towage through said canal for all vessels or water craft which require it; for which service it may establish, for its sole benefit, a toll, at such rates as the directors thereof may determine.

Toll upon vessels using canal.

Towage.

SECTION 19. Whoever fraudulently evades or attempts to evade the payment of any toll lawfully established under section eighteen of this act, either by misrepresenting the register or draught of any vessel or otherwise, shall pay a fine of not less than fifty nor more than five hundred dollars.

Penalty for evading toll.

SECTION 20. Whoever wilfully and maliciously obstructs the passing of any vessel or steam-tug or other water craft in said canal, or in any way injures said canal, or its banks, breakwaters, docks, wharves, locks, gates or other structures or works, or anything appertaining thereto, or any materials or implements for the construction or use thereof, or aids or abets in such trespass, shall forfeit to the use of the corporation, for each offence, treble the amount of damages proved to have been sustained thereby, to be recovered in an action of tort in the name of the corporation; and may further be punished by fine not exceeding one thousand dollars, or imprisonment for a term not exceeding one year.

Penalty for obstructing vessels in canal.

SECTION 21. The capital stock of said corporation shall be divided into shares of one hundred dollars each, and the amount of capital stock may be fixed from time to time, by vote of the corporation, not, however, to exceed ten millions of dollars.

Capital stock and shares.

SECTION 22. Said corporation may, upon being authorized by a majority of the votes at any regular meeting of its stockholders, or at a meeting called for the purpose, issue bonds,

Bonds and mortgage of franchise.

and may secure the same by a mortgage of its franchise, and its real and personal property, then owned or thereafter to be acquired, or any part thereof. And every such mortgage shall be recorded in the registry of deeds for the county of Barnstable. And in case any such mortgage is executed to trustees, then all bonds secured thereby shall also bear the certificate of one or more of the trustees, that the same are so secured, and that the mortgage has been delivered to the trustees and duly recorded. And all the provisions contained in sections one hundred and twenty-four to one hundred and twenty-eight, inclusive, of chapter sixty-three of the General Statutes, shall extend to such mortgage, so far as applicable.

Not required to pay taxes for two years, &c.

SECTION 23. Said corporation shall not be required to pay any taxes to the Commonwealth, until the canal shall have opened for use for two years. And nothing herein contained shall have the effect to render said corporation, or the shareholders therein, liable to local taxation for their property or shares in said corporation until the canal shall have been opened for use for two years.

Subject to approval of harbor commissioners.

SECTION 24. All things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six.

SECTION 25. This act shall take effect upon its passage.

Approved February 26, 1870.

Chap. 37. AN ACT RELATING TO PROBATE COURTS IN THE COUNTY OF PLYMOUTH.

Be it enacted, &c., as follows :

Court changed from South Scituate to Hanover.

SECTION 1. The probate court heretofore held at South Scituate, in the county of Plymouth, on the fourth Monday of June in each year, shall hereafter be held at Hanover, in said county, on the fourth Monday of June in each year; and all processes and matters returnable to the court at South Scituate, on the fourth Monday of June, may be heard and acted upon at the court herein established.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1870.

Chap. 38. AN ACT TO REVIVE THE FRAMINGHAM BANK FOR CERTAIN PURPOSES.

Be it enacted, &c., as follows :

Charter revived for disposition and conveyance of property.

SECTION 1. The corporation heretofore known as the President, Directors and Company of the Framingham Bank, and located in Framingham, is hereby revived and continued for the purpose of enabling the president and

directors of said bank, at the time when the same became an association for carrying on the business of banking under the law of the United States, to dispose of and convey the property of said corporation, and for no other purpose.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1870.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE DWIGHT MANUFACTURING COMPANY.

Chap. 39.

Be it enacted, &c., as follows :

SECTION 1. The Dwight Manufacturing Company is hereby authorized to reduce the par value of the shares of its capital stock heretofore issued, to five hundred dollars each ; and also, from time to time, to issue additional shares of its stock, not exceeding fifteen hundred in number, of the par value of five hundred dollars each. Said shares to be first offered to existing stockholders in proportion to their respective interests ; and any shares not so taken shall be disposed of as the directors of said corporation may determine : *provided, however*, that no shares shall be issued until the par value thereof has been actually paid in, in cash ; and *provided, further*, that no issue of new stock shall be made until further authorized by a vote of its stockholders at a meeting called for that purpose.

May reduce par value of shares.

May issue additional shares.

No shares to be issued until par value has been paid in. Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1870.

AN ACT TO INCORPORATE THE WORCESTER TIMES PRINTING AND PUBLISHING COMPANY.

Chap. 40.

Be it enacted, &c., as follows :

SECTION 1. Charles B. Thomas, Isaac Davis, William A. Williams, Edwin Conant, Frank H. Kelley, their associates and successors, are hereby made a corporation by the name of the Worcester Times Printing and Publishing Company, for the purpose of printing and publishing newspapers, books, and doing all kinds of job printing, in the city of Worcester ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The amount of the capital stock of said corporation shall not exceed fifty thousand dollars, and shall be divided into shares of one hundred dollars each ; and said corporation may hold real estate for the purposes herein set forth to the amount of thirty thousand dollars : *provided, however*, that said corporation shall not go into operation un-

Capital stock and shares.

Real estate.

til the sum of twenty thousand dollars has been paid in, in cash.

SECTION 3. This act shall take effect upon its passage.

Approved February 28, 1870.

Chap. 41. AN ACT TO AUTHORIZE THE MASSACHUSETTS BAPTIST CONVENTION TO HOLD ADDITIONAL REAL ESTATE.

Be it enacted, &c., as follows :

\$200,000 in real estate.

SECTION 1. The Massachusetts Baptist Convention is hereby authorized to hold real estate to the amount of two hundred thousand dollars ; and all income, arising from such real estate, shall be applied exclusively to the purposes of said corporation.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1870.

Chap. 42. AN ACT TO REVIVE THE WASHINGTON BANK, FOR CERTAIN PURPOSES.

Be it enacted, &c., as follows :

Charter revived for the purpose of conveying real estate.

SECTION 1. The corporation heretofore known as the President, Directors and Company of the Washington Bank, and located in Boston, is hereby revived and continued for the purpose of enabling the president and directors of said Washington Bank at the time when the same became an association for carrying on the business of banking under the laws of the United States, to convey, assign and transfer to the Washington National Bank of said Boston, any real estate or interests therein of the said Washington Bank, and for no other purpose whatever.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1870.

Chap. 43. AN ACT IN ADDITION TO AN ACT INCORPORATING THE WORCESTER COUNTY FREE INSTITUTE OF INDUSTRIAL SCIENCE.

Be it enacted, &c., as follows :

May hold real and personal estate not exceeding \$1,000,000.

SECTION 1. The Worcester County Free Institute of Industrial Science is hereby authorized to receive by gift, devise, bequest or otherwise, and to hold for the purposes for which it was incorporated, real and personal estate to an amount not exceeding one million dollars.

May confer degrees.

SECTION 2. The aforesaid institute is hereby authorized and empowered to award and confer degrees appropriate to the several courses of study pursued in said institution.

Approved March 3, 1870.

AN ACT TO AUTHORIZE THE FRANCONIA IRON AND STEEL COMPANY
TO CONSTRUCT A WHARF IN WAREHAM. *Chap. 44.*

Be it enacted, §c., as follows :

SECTION 1. License is hereby given to the Franconia Iron and Steel Company, to construct and maintain a wharf in line of the south-east corner of the Parker Mills Wharf in Wareham, to the north-east corner of the said Franconia Iron and Steel Company's wharf in said Wareham: *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years after its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

May construct wharf in Wareham.

Subject to control of harbor commissioners.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1870.

AN ACT PROVIDING FOR THE DISTRIBUTION OF THE INCOME OF THE
MASSACHUSETTS SCHOOL FUND. *Chap. 45.*

Be it enacted, §c., as follows :

SECTION 1. One-half of the annual income of the Massachusetts school fund shall be apportioned and distributed for the support of public schools without a specific appropriation. All money appropriated for other educational purposes, unless otherwise provided for by the act appropriating the same, shall be paid from the other half of said income. If the income in any year exceeds such appropriations, the surplus shall be added to the principal of said fund.

One-half of income of school fund to be distributed for public schools without specific appropriation.

If income exceeds appropriations, surplus to be added to principal of fund.

SECTION 2. Section two of chapter thirty-six of the General Statutes is hereby repealed.

Approved March 4, 1870.

AN ACT TO EXTEND THE TIME FOR THE LOCATION AND CONSTRUCTION OF THE EAST WALPOLE BRANCH RAILROAD. *Chap. 46:*

Be it enacted, §c., as follows :

SECTION 1. The time for locating and constructing the East Walpole Branch Railroad is hereby extended to the first day of May, in the year eighteen hundred and seventy-two, and for the extension of the same to the first day of May, in the year eighteen hundred and seventy-three.

Time extended for locating and constructing road.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1870.

Chap. 47. AN ACT CONCERNING THE DUXBURY AND COHASSET RAILROAD COMPANY.*Be it enacted, &c., as follows :*

May contract with South Shore and Old Colony Railroad Companies for construction, &c., of its road.

SECTION 1. The Duxbury and Cohasset Railroad Company is hereby authorized to contract with the South Shore Railroad Company and the Old Colony and Newport Railway Company, or either of them, for the construction, completion and operation of its railroad, upon such terms as may be mutually agreed upon, and may sell or lease its railroad, franchise, and other property, with all its rights, to either of said last named corporations; and the corporation so purchasing or leasing shall hold, possess and enjoy all the powers, privileges, rights, franchise, property and estate which at the time of such purchase or lease were held and enjoyed by said Duxbury and Cohasset Railroad Company, and be subject to all the duties, restrictions and obligation to which the last named corporation was subject.

South Shore and Old Colony Railroad Companies may hold \$200,000 of its stock.

Bonds.

SECTION 2. The South Shore Railroad Company and the Old Colony and Newport Railway Company, or either of them, may subscribe for and hold stock in said Duxbury and Cohasset Railroad Company, to an amount not exceeding in the aggregate two hundred thousand dollars; and for the purpose of paying for such stock, may issue bonds secured by mortgage or otherwise; and said Old Colony and Newport Railway Company is hereby authorized to endorse or guarantee bonds of said South Shore Railroad Company issued for the purpose aforesaid, upon such terms as said corporations may agree.

Bonds may be issued not exceeding \$100,000.

SECTION 3. The Duxbury and Cohasset Railroad Company is hereby authorized, when the whole amount of its capital stock shall have been subscribed for by responsible parties, and twenty per cent. of the par value of each and every share thereof has been actually paid into its treasury, to issue bonds to an amount not exceeding one hundred thousand dollars, for the completion of its railroad, and secure the payment thereof by a mortgage of its railroad property, franchise and rights.

Act to be accepted within one year.

SECTION 4. This act shall take effect upon its passage, and shall be void unless accepted by the Duxbury and Cohasset Railroad Company within one year from the date hereof.

Approved March 4, 1870.

Chap. 48. AN ACT TO INCORPORATE THE WEYMOUTH BRANCH FREIGHT RAILROAD COMPANY.*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. Isaac Pratt, junior, Nahum Stetson, Warren G. Comiey, their associates and successors, are hereby made

a corporation, by the name of the Weymouth Branch Freight Railroad Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to railroad corporations, so far as the same may be applicable under the provisions of this act.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, to be used for the transportation of freight only, in the town of Weymouth, commencing at a point on the South Shore Railroad, about twenty-four hundred feet north-westerly of the East Weymouth station; thence running south-easterly and southerly across Commercial Street and Drury Lane; thence westerly of the shoe factory of Dizer and others; thence across Broad Street, passing in the rear of the houses of John Geary and Jacob Dizer; thence south-easterly across Shawmut Street to the premises of the Weymouth Iron Company; and may enter with its road upon and unite with the road of the South Shore Railroad Company by convenient switches, in such manner as may be mutually agreed upon in writing; and said corporation may contract with the South Shore Railroad Company, and the Old Colony and Newport Railway Company, or either of them, to maintain and operate its said railroad.

SECTION 3. Said corporation may sell, assign or lease its railroad, franchise and other property to the South Shore Railroad Company, or the Old Colony and Newport Railway Company, and said last named corporations are hereby respectively authorized to purchase or hire the same.

SECTION 4. The Weymouth Iron Company, the South Shore Railroad Company and the Old Colony and Newport Railway Company, respectively, are hereby authorized to subscribe for and hold shares in the capital stock of the Weymouth Branch Freight Railroad Company.

SECTION 5. The capital stock of said corporation shall not exceed fifty thousand dollars, and shall be divided into shares of one hundred dollars each, the number of which shall be determined, from time to time, by its directors.

SECTION 6. This act shall take effect upon its passage, and shall be void unless said railroad shall be located within two years and constructed within three years from the date hereof.

Approved March 4, 1870.

AN ACT TO INCORPORATE THE MUTUAL LIFE INSURANCE COMPANY OF BOSTON.

Be it enacted, &c., as follows:

SECTION 1. Luther Stephenson, Jr., Samuel Little, David Whiton, their associates and successors, are hereby made a

Name.

Powers and duties.

May construct railroad for transportation of freight.

May contract for maintenance and operation of road.

May sell or lease franchise to South Shore or Old Colony roads.

Weymouth Iron Company and South Shore and Old Colony roads may hold stock in road.

Capital stock and shares.

To be located within two years and constructed within three years.

Chap. 49.

Corporators.

Name and purpose.
Powers and duties.

corporation, by the name of The Mutual Life Insurance Company of Boston, to be established and located in the city of Boston, for the purpose of making insurance on lives; with all the powers and privileges, and subject to the duties, liabilities and restrictions set forth in so much of the fifty-eighth chapter of the General Statutes as relates to mutual life insurance companies, and all other acts which are or may be in force relative to such companies.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1870.

Chap. 50. AN ACT TO REVIVE THE CHARTER OF MOUNT MINERAL SPRINGS COMPANY.

Be it enacted, &c., as follows:

Charter revived and extended two years.

SECTION 1. Chapter eighty-two of the acts of the year eighteen hundred and sixty-seven is hereby revived and continued in force, and the time for organizing said corporation, authorized thereby, is hereby extended two years.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1870.

Chap. 51. AN ACT TO AUTHORIZE SYLVANUS N. STAPLES AND WILLIAM H. PHILLIPS TO EXTEND THEIR WHARF IN TAUNTON.

Be it enacted, &c., as follows:

May extend wharf in Taunton.

SECTION 1. License is hereby given to Sylvanus N. Staples and William H. Phillips to extend their wharf on the west side of Taunton Great River, above Weir Bridge, so called, in Taunton, to the following line, viz.: beginning at the south-easterly corner of said wharf, being the north-easterly corner of land owned by the city of Taunton; thence by a straight line north-easterly to a point in said river, which is thirty-five feet south-easterly from the point of the present angle in said wharf; thence north-easterly by a straight line to a point on the southerly side of land owned by LeBaron B. Church, which is eighty feet south-easterly from the corner of said Church's land and the present wharf of said Staples and Phillips; with a right to lay vessels not more than one deep, along the front of said wharf, and to collect wharfage and dockage therefor: *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and said commissioners shall have authority to require as a condition of this license such excavations on the shores and beds of said river as they may think sufficient to compensate for the encroachment on said river herein authorized; and *provided*, that this license shall

Wharfage and dockage.

Subject to control of harbor commissioners.

Provisos.

in no wise impair the legal rights of any person ; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years after its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1870.

AN ACT TO INCORPORATE THE PALMER SAVINGS BANK.

Be it enacted, &c., as follows :

SECTION 1. George T. Hills, Franklin Morgan, Gordon M. Fisk, their associates and successors, are hereby made a corporation by the name of the Palmer Savings Bank, to be located in the town of Palmer ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force in this Commonwealth relating to institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1870.

Chap. 52.

Corporators.

Name.

Powers and duties.

AN ACT TO AUTHORIZE THE SOUTH BOSTON SAVINGS BANK TO HOLD ADDITIONAL REAL ESTATE.

Be it enacted, &c., as follows :

SECTION 1. The South Boston Savings Bank, located in the city of Boston, is hereby authorized to hold real estate to the amount of twenty-five thousand dollars, in addition to the amount it is now authorized to hold : *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site and the erection or preparation of a suitable building to be used for banking purposes ; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1870.

Chap. 53.

May invest
\$25,000 in bank
ing house.

Proviso.

AN ACT TO AUTHORIZE THE FRANKLIN SAVINGS BANK TO HOLD REAL ESTATE.

Be it enacted, &c., as follows :

SECTION 1. The Franklin Savings Bank is hereby authorized to hold real estate to the amount of three hundred thousand dollars : *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building to be used for banking purposes ; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1870.

Chap. 54

May invest
\$300,000 in
banking house.

Proviso.

Chap. 55. AN ACT CONCERNING THE STATE ALMSHOUSE IN TEWKSBURY.*Be it enacted, &c., as follows :*

Hospital not to be erected.

SECTION 1. So much of chapter four hundred and sixty-six of the acts of eighteen hundred and sixty-nine, as provides for the erection of a hospital at the state almshouse in Tewksbury, under the direction of the board of state charities, is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

*Approved, March 7, 1870.***Chap. 56.** AN ACT TO INCORPORATE THE NICKERSON'S WHARF COMPANY.*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. Edward G. Nickerson, Sereno D. Nickerson, Henry P. Gerrish, their associates and successors, are hereby made a corporation by the name of the Nickerson's Wharf Company, with power to purchase and hold, in fee simple or otherwise, the property known as Nickerson's Wharf, in East Boston, and other wharf property and real estate adjoining the same, with all the rights, privileges and appurtenances thereto belonging; and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions set forth in all general laws that now are or may hereafter be in force and applicable to said corporation.

Powers and duties.

May lease, &c., property, and receive wharfage and dockage.

SECTION 2. Said corporation may lease, mortgage, sell and convey said property or any part thereof; may use, improve and manage said premises, construct buildings, wharves and docks thereon; lay vessels thereat and receive wharfage and dockage therefor, and do all other business connected therewith, and with the use and enjoyment of said premises: *provided, however*, that nothing herein contained shall be deemed to authorize the building of any wharf, dock or other structure now forbidden or unauthorized by law.

Proviso.

Capital stock and shares.

SECTION 3. The capital stock of said corporation shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and no shares shall be issued for a less sum or amount, to be actually paid in in cash, on each, than their par value. Said corporation shall hold such personal property as may be necessary or convenient for the purposes set forth in this act.

SECTION 4. This act shall take effect upon its passage.

*Approved March 8, 1870.***Chap. 57.** AN ACT IN ADDITION TO AN ACT TO AMEND THE CHARTER OF THE WORCESTER LYCEUM AND LIBRARY ASSOCIATION.*Be it enacted, &c., as follows :*

Minors above age of fourteen may become

SECTION 1. Any inhabitant of Worcester county, above the age of fourteen years, may, on such terms as shall be

fixed by the by-laws of the Worcester Lyceum and Natural History Association, become a member thereof, and entitled to vote at all meetings thereof. But no person under twenty-one years of age, shall be an officer, or director of said association.

members, vote, &c.

Proviso.

SECTION 2. The president, vice-presidents, treasurer, secretaries, and such other officers, as shall be provided by the by-laws, shall constitute a board of directors.

Board of directors.

SECTION 3. Said corporation may hold real and personal property to an amount not exceeding one hundred and fifty thousand dollars, the legal title to which shall be vested in the board of directors; but no sale or transfer of any real estate, or of the cabinet, or library, except for exchange of specimens, or sale of duplicates, shall be made, except by authority of a vote of the corporation. The lecture fund, with such additions as may be made to it, shall be held, for the purpose of providing lectures, under the direction of the board of directors.

Real and personal estate.

Lecture fund.

SECTION 4. Sections two, three and five, of chapter ninety-six of the acts of the year eighteen hundred and fifty-three, and sections two, three and four of chapter two hundred and thirty-nine of the acts of the year eighteen hundred and sixty-six, are hereby repealed.

Repeal.

SECTION 5. This act shall take effect upon its passage.

Approved March 8, 1870.

AN ACT TO INCORPORATE THE EAST BRIDGEWATER SAVINGS BANK.

Chap. 58.

Be it enacted, &c., as follows :

SECTION 1. Kimball E. Sheldon, Henry Hobart, Isaac N. Nutter and Moses Bates, their associates and successors, are hereby made a corporation by the name of the East Bridgewater Savings Bank, to be located in the town of East Bridgewater; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are, or may hereafter be in force in this Commonwealth, applicable to savings banks and institutions for savings.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1870.

AN ACT TO AUTHORIZE THE WARE SAVINGS BANK TO HOLD REAL ESTATE.

Chap. 59.

Be it enacted, &c., as follows :

SECTION 1. The Ware Savings Bank is hereby authorized to hold real estate to the amount of twenty-five thousand dollars, and all income, if any, arising from such real estate,

\$25,000 in real estate.

shall be devoted exclusively to the interests of such corporation.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1870.

Chap. 60.

AN ACT TO INCORPORATE THE UNION BOAT CLUB ASSOCIATION.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Henry B. Rice, Edwin B. Buckingham, George G. Crocker, and their associates and successors, are hereby

Name and purpose.

made a corporation by the name of The Union Boat Club Association of Boston, for the purpose of promoting physical culture and encouraging and advancing the science of rowing ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions contained in all general laws, which now are, or may hereafter be in force, and applicable to such corporations.

Powers and duties.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall not exceed twenty thousand dollars, and shall be divided into shares of fifty dollars each ; and, for the purposes aforesaid, said corporation may hold and own, in the city of Boston, a boat-house, and such land as may be requisite therefor : *provided, however*, that said corporation shall not incur any liability until ten thousand dollars of the capital stock shall have been paid in in cash.

Boat-house.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved March 8, 1870.

Chap. 61.

AN ACT TO INCORPORATE THE WAKEFIELD MARINE AND FIRE INSURANCE COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Cyrus Wakefield, Daniel Allen, M. S. Southworth, their associates and successors, are hereby made a corporation by the name of the Wakefield Marine and Fire Insurance Company, in the town of Wakefield, for the purpose of making insurance against maritime losses, and losses by fire ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are, or hereafter may be in force, relating to such corporations.

Name and purpose.

Powers and duties.

Capital stock and shares.

SECTION 2. Said corporation shall have a capital stock of one hundred thousand dollars, to be divided into shares of one hundred dollars each, with the right to increase said capital stock to the sum of two hundred thousand dollars ; and shall have a right to hold real estate for its own use to an amount not exceeding ten thousand dollars.

Real estate.

SECTION 3. Said corporation may commence business when one hundred thousand dollars of its capital stock shall have been subscribed and paid in in cash.

May commence business when \$100,000 is paid in.

SECTION 4. This act shall take effect upon its passage.

Approved March 8, 1870.

AN ACT TO AUTHORIZE THE HINKLEY AND WILLIAMS WORKS AND OTHERS TO CONSTRUCT WHARVES ON THE SOUTH-EASTERLY SIDE OF ALBANY STREET IN BOSTON.

Chap. 62.

Be it enacted, &c., as follows :

SECTION 1. License is hereby given to the Hinkley and Williams Works, a corporation organized under the laws of this Commonwealth, and to Daniel F. Child and Jarvis Williams, to construct wharves and docks over the flats in front of their respective estates on the south-easterly side of Albany Street in Boston, to the commissioners' line, as established May fourteenth, in the year one thousand eight hundred and sixty-four ; to inclose and fill up said flats, and to construct docks at the sides of said wharves, subject to the provisions of the fourth section of the one hundred and forty-ninth chapter of the acts of the year eighteen hundred and sixty-six, with the right to lay vessels at the ends and sides of said wharves, and to receive wharfage and dockage therefor.

May construct wharves in Boston.

Wharfage and dockage.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1870.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF DUKES COUNTY TO BUILD A BRIDGE OVER THE CANAL OR CREEK, LEADING FROM HOLMES' HOLE HARBOR TO LAGOON POND.

Chap. 63.

Be it enacted, &c., as follows :

SECTION 1. The county commissioners of the county of Dukes County, are hereby authorized to construct and lay out a free bridge, with a suitable draw, over the canal or creek connecting Holmes' Hole Harbor, with Lagoon Pond, as a part of a road leading to a county road, so called, running to Eastville, subject to the determination of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six.

Free bridge over canal connecting Holmes' Hole Harbor with Lagoon Pond.

SECTION 2. The cost of constructing, maintaining and tending said bridge, shall be assessed by said commissioners, as follows: two-thirds at least of said cost shall be assessed upon and paid by the town of Tisbury ; the balance shall be assessed upon and paid by the towns of Edgartown and Chilmark, respectively, in proportion to their valuation for county taxes. Said bridge to be tended and kept in repair under the direction of the said county commissioners.

To be paid for by Tisbury, Edgartown and Chilmark.

Repairs, &c.

Superior court to appoint commissioners to build bridge, if county commissioners neglect.

SECTION 3. In case the said county commissioners shall neglect to build said bridge for the space of six months next after the passage of this act, it shall be the duty of the superior court, at any term held in said county, upon motion of the selectmen of Tisbury, to appoint three competent persons, not residents of said county, who shall have all the powers and authority granted in this act, to said county commissioners in relation to the construction of said bridge and the assessment of the cost thereof upon the said towns of Tisbury, Edgartown and Chilmark, as herein provided.

SECTION 4. This act shall take effect upon its passage.

Approved March 8, 1870.

Chap. 64.

AN ACT REQUIRING CITY AND TOWN CLERKS TO CERTIFY CERTAIN VOTES OF CITIES AND TOWNS TO THE SECRETARY OF THE COMMONWEALTH AND BOARD OF RAILROAD COMMISSIONERS.

Be it enacted, &c., as follows:

Town clerks to send vote of their town to take stock in railroads to the secretary of Commonwealth and railroad commissioners, under penalty.

SECTION 1. It shall be the duty of the city or town clerk of any city or town, which now is, or hereafter may be, authorized to subscribe for the stock of any railroad company, or to loan its credit or grant aid to the same, to transmit to the secretary of the Commonwealth and to the board of railroad commissioners, a certified copy of any vote of such city or town, under such authority, within thirty days from the day on which said vote shall be taken; and also, within sixty days from the passage of this act, to transmit a certified copy of any vote heretofore passed by such city or town under such authority, unless the same has already been transmitted to the secretary as aforesaid; and any city or town clerk who shall neglect or refuse to comply with the requirements of this act, shall be liable to a fine of not less than five and not more than fifty dollars.

Secretary to send act to cities and towns.

SECTION 2. It shall be the duty of the secretary of the Commonwealth to transmit forthwith upon its passage a copy of this act to the different city and town clerks of the Commonwealth.

Approved March 8, 1870.

Chap. 65.

AN ACT MAKING APPROPRIATIONS FROM THE MOIETY OF THE INCOME OF THE SCHOOL FUND APPLICABLE TO EDUCATIONAL PURPOSES.

Be it enacted, &c., as follows:

Appropriations authorized.

SECTION 1. The sums hereinafter mentioned in this section are appropriated, and shall be allowed and paid out of the moiety of the income of the school fund applicable to educational purposes, for the year eighteen hundred and seventy, to wit:—

Normal schools. 1853, 96, § 6.

For the support of the state normal schools, for the present year, a sum not exceeding forty-two thousand five hundred dollars.

For teachers' institutes, a sum not exceeding two thousand eight hundred dollars, the same to be expended in accordance with the provisions of chapter thirty-five of the General Statutes.

Teachers' institutes.

For aid to pupils in the state normal schools, a sum not exceeding four thousand dollars, payable in semi-annual instalments, to be expended under the direction of the board of education: *provided*, a full report of such expenditure shall be semi-annually rendered to the auditor of accounts.

Aid to pupils.
Res. 1853, 62.

For shingling the roof of the normal school building at Westfield, for a new furnace and for additional furniture for said building, a sum not exceeding two thousand two hundred and fifty dollars.

School building at Westfield.
1858, 96, § 6.

For grading the normal school lot at Bridgewater, a sum not exceeding three hundred dollars.

Grading lot at Bridgewater.
1858, 96, § 6.

For steam-heating and ventilating apparatus for the normal school building at Framingham, and for repairs of the roof; for excavation and laying wall for foundation to the addition thereto, and for drainage; for the purchase of land and for grading, a sum not exceeding six thousand two hundred and fifty dollars.

Heating and ventilating school building at Framingham.
1858, 96, § 6.

For postage, printing, advertising, stationery, transportation of documents for the board of education and the secretary thereof, and also for any contingent expenses of the normal schools, not otherwise provided for, a sum not exceeding eleven thousand dollars.

Postage, &c., board of education.
Contingent expenses normal schools.
G. S. 34.

For expenses of the members of the board of education and the treasurer thereof, a sum not exceeding three hundred dollars.

Board of education, expenses.
1858, 96, § 6.

For the Massachusetts teachers' association, the sum of eight hundred dollars, on condition that said association shall furnish a copy of the "Massachusetts Teacher" to each school committee in the several cities and towns in the Commonwealth, during the year eighteen hundred and seventy, and furnish satisfactory evidence thereof to the auditor of accounts.

Teachers' association.
1858, 96, § 6.

For the American Institute of Instruction, the sum of five hundred dollars, to be paid to the president of said institute in the month of August next.

American Institute of Instruction.
1858, 96, § 6.

For county teachers' associations, a sum not exceeding three hundred dollars.

County teachers' associations.
1864, 58.
Schools.
G. S. 36, § 5.

For the support of certain schools, as specified in section five of chapter thirty-six of the General Statutes, the sum of four hundred and five dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1870.

Chap. 66.

AN ACT TO INCORPORATE THE TOWN OF EVERETT.

*Be it enacted, &c., as follows :*Limits of town
of Everett.

SECTION 1. All the territory now within the town of Malden, in the county of Middlesex, comprised within the following limits, that is to say: beginning at the stone monument in the line between said Malden and the town of Medford, which is marked "number three;" thence running easterly and southerly by the centre of a creek and Malden river to the centre of the Malden canal; thence by the centre of said canal to the range of the north line of Wyllis avenue; thence by said last named line and the northerly side of said avenue to Main street; thence across Main street to the southerly side of Belmont street; thence by the southerly side of Belmont street to Ferry street; thence crossing Ferry street obliquely to the northerly side of Rich street; thence north fifty-six degrees east by the northerly side of Rich street, fourteen hundred and ninety-one feet to a stake; thence south eighty-four degrees east six thousand and eleven feet to a stake in the line between said Malden and the town of North Chelsea, said stake being two hundred and forty-seven feet northerly from the stone monument in said last mentioned line, which is marked "M. N. C. eleven;" and thence south-westerly, north-westerly and northerly, as the present dividing line between said Malden and North Chelsea, Chelsea, Charlestown, Somerville and Medford runs, to the first mentioned bound, is hereby incorporated into a town by the name of Everett; and said town of Everett, is hereby invested with all the powers, privileges, rights and immunities, and subject to all the duties and requisitions to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Powers and du-
ties.Taxes, how as-
sessed, collect-
ed and paid.

SECTION 2. The inhabitants of said town of Everett shall be holden to pay all arrears of taxes which have been legally assessed upon them by the town of Malden, and all taxes heretofore assessed and not collected shall be collected and paid to the treasurer of the town of Malden in the same manner as if this act had not been passed; and also their proportion of all county and state taxes that may be assessed upon them previously to the taking of the next state valuation, said proportion to be ascertained and determined by the last valuation in the said Malden.

Support of pau-
pers.

SECTION 3. Said towns of Malden and Everett shall be respectively liable for the support of all persons who now do or shall hereafter stand in need of relief as paupers, whose settlement was gained by or derived from a settlement gained or derived within their respective limits.

SECTION 4. The corporate property belonging to the town of Malden at the date of the passage of this act, and the public debt of the said town existing at said date, shall be divided between the towns of Malden and Everett according to the valuation of the property within their respective limits as assessed May first, in the year eighteen hundred and sixty-nine; and said town of Everett shall receive from said town of Malden a proportionate part of whatever amount may hereafter be refunded to said town of Malden from the state or United States, to reimburse said town of Malden for bounties to soldiers, or state aid paid to soldiers' families, after deducting all reasonable expenses; and said town of Everett shall bear the expense of making the survey and establishing the line between said towns of Malden and Everett: *provided, however,* that the inhabitants of said town of Everett, shall not be liable to pay for any portion of the debt incurred for the introduction of water from Spot Pond within the lines of Malden.

Corporate property to be divided between Malden and Everett, according to valuation of towns.

Proviso.

SECTION 5. In case said towns of Malden and Everett shall not agree in respect to a division of property, debts, town paupers, or state or county taxes, the superior court for the county of Middlesex shall upon the petition of either town, appoint three competent and disinterested persons to hear the parties and award thereon; and their award, or the award of any two of them, being accepted by said court, shall be final. In making said award, said commissioners shall assign the real estate belonging to the town of Malden, at the time of the passage of this act, to the town within which said estate shall be situated, so far as such a division shall be practicable.

Commissioners to be appointed by superior court, if towns disagree.

SECTION 6. The town of Everett, for the purpose of electing representatives to congress, senators and representatives to the general court, and members of the governor's council, until the next decennial census, or until another apportionment be made, shall remain a part of the town of Malden, and vote therefor at such place as the town of Malden shall vote; and the selectmen of Everett shall make a true list of all persons within their town qualified to vote at every such election, and shall post up the same in said town of Everett, and shall correct the same as required by law, and shall deliver such list to the selectmen of the town of Malden, seven days at least before such election, to be used thereat.

Election of State and federal officers.

SECTION 7. Any justice of the peace within and for the county of Middlesex may issue his warrant, directed to any inhabitant of the town of Everett, requiring him to notify and warn the inhabitants thereof qualified to vote in town

First meeting for election of town officers.

affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings; and said warrant shall be served by publishing a copy thereof in some newspaper printed in the town of Malden, and by posting up copies thereof, all attested by the person to whom the same is directed, in three public places in said town of Everett seven days at least before such time of meeting. Such justice, or in his absence, such inhabitant required to notify the meeting, shall preside until the choice of moderator in said meeting. The selectmen of the town of Malden shall, before said meeting, prepare a list of voters in said town of Everett qualified to vote at said meeting, and shall deliver the same to the person presiding at such meeting before the choice of a moderator thereof.

SECTION 8. This act shall take effect upon its passage.

Approved March 9, 1870.

Chap. 67. AN ACT CONCERNING CORPORATIONS OWNING OR PROPOSING TO BUILD HOUSES OF PUBLIC WORSHIP.

Be it enacted, &c., as follows :

Amendment to
G. S. 30, § 28.

SECTION 1. Section twenty-eight of chapter thirty of the General Statutes is hereby amended by striking therefrom the words, "as has been agreed and determined on at the meeting held for the purpose of organization," and substituting therefor the words "no more."

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1870.

Chap. 68. AN ACT CONCERNING AFFIDAVITS OF MERITS AND APPEARANCES IN ACTIONS AT LAW.

Be it enacted, &c., as follows :

Appearance in
writing substituted
for affidavit
of merits.

An appearance in writing, entered by the defendant, personally, or by attorney, is hereby substituted for the affidavit of merits now required in actions at law.

Approved March 11, 1870.

Chap. 69. AN ACT TO AUTHORIZE THE BOSTON, BARRE AND GARDNER RAILROAD CORPORATION TO RE-LOCATE ITS ROAD.

Be it enacted, &c., as follows :

May relocate
first and second
sections of road.

SECTION 1. The Boston, Barre and Gardner Railroad Corporation is hereby authorized to re-locate the first and second sections of its road, so that the same may extend from some convenient point in the city of Worcester, northerly, through the northerly part of said Worcester; thence through Holden, and through or near the centre village thereof; and thence through Princeton and Hubbardston and the southerly part of Gardner to some convenient point on the road of the Ver-

mont and Massachusetts Railroad Company, in said Gardner ; but said road shall not be located within fifty feet of the stone freight depot of the Worcester and Nashua Railroad Company, at Lincoln square in said Worcester.

SECTION 2. Said corporation may cross with its road the road of the Worcester and Nashua Railroad Company, at grade, at any point in the city of Worcester north of the clay cut at Northville, so called, and said crossing shall be made and maintained at the expense of said corporation, and in such manner as may be agreed upon by said corporation and said Worcester and Nashua Railroad Company, or if they shall fail to agree, as the board of railroad commissioners shall direct.

May cross Worcester and Nashua Railroad at grade.

SECTION 3. Said corporation is hereby authorized to re-locate the third section of its road so that the same may extend from some convenient point on the first or second section of its road, as the same now is or hereafter may be located, to some convenient point in the town of Barre.

May re-locate third section of road.

SECTION 4. Said corporation shall file with the commissioners of Worcester county, any re-location of its road, or of either section thereof, before the first day of July, in the year eighteen hundred and seventy-one.

Re-location to be filed with county commissioners.

SECTION 5. This act shall take effect upon its passage.

Approved March 11, 1870.

AN ACT IN ADDITION TO CERTAIN ACTS CONCERNING THE AMHERST BRANCH RAILROAD COMPANY.

Chap. 70.

Be it enacted, §c., as follows :

SECTION 1. The Amherst Branch Railroad Company is hereby authorized to increase its capital stock to an amount not exceeding one hundred thousand dollars in addition to the amounts authorized by section two of chapter one hundred and forty-seven of the acts of the year eighteen hundred and sixty-four, and the same shall be divided into shares of one hundred dollars each.

\$100,000 additional capital stock.

Shares.

SECTION 2. Said company, after the whole amount of its capital stock shall have been fixed and subscribed, may locate, construct and maintain its railroad as authorized by section three of said act, or may locate, construct and maintain the same wholly within the towns of Amherst, Hadley and Northampton and between the termini mentioned in said section three : *provided*, that any part of the same which may be located through Hadley Meadows, so called, shall be constructed under the direction of the board of railroad commissioners, and in strict compliance with such requirements as they shall deem essential to secure a free and uninterrupted flow of the waters of the Connecticut River at all seasons.

Location and construction.

Proviso.

Amherst, Hadley, Hatfield and Northampton may take stock in road.

SECTION 3. The towns of Amherst, Hadley, Hatfield and Northampton, are hereby severally authorized, when so voting at legal town meetings duly called for the purpose, to subscribe for and hold shares in the capital stock of said company to an amount not exceeding five per centum of the assessed valuation of each of said towns respectively: *provided*, that said subscription shall be voted by two-thirds of the legal votes cast; and *provided, also*, that such vote shall be taken by written ballot, and the check list shall be used. And said towns may pay for such shares, so voted to be taken, out of their respective treasuries, and are hereby authorized to raise by loan, upon bonds, or by tax or otherwise, any and all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property; and the votes of said towns, respectively, may be conditional upon the location upon which said company may elect to construct said railroad.

Selectmen to represent towns at meetings of company.

SECTION 4. The selectmen of the towns of Amherst, Hadley, Hatfield and Northampton, respectively, or any agent specially chosen for that purpose, shall have authority to represent said towns, respectively, at any and all meetings of said company; and said towns so represented are hereby authorized to vote on the whole amount of the stock held by said towns, respectively, anything in chapter sixty-three of the General Statutes to the contrary notwithstanding.

May adopt name of Northampton and Amherst Railroad Company.

SECTION 5. Said company may by vote, a certificate of which shall be duly transmitted to the secretary of the Commonwealth, adopt as its corporate name the Northampton and Amherst Railroad Company, and shall thereafter be known and called by said name, instead of its present name.

SECTION 6. This act shall take effect upon its passage.

Approved March 11, 1870.

Chap. 71. AN ACT RELATING TO THE EXETER AND SALISBURY RAILWAY COMPANY.

Be it enacted, &c., as follows :

May lease road to any responsible connecting railroad.

SECTION 1. The Exeter and Salisbury Railway Company, a corporation formed by the union of the Salisbury Railroad Company, and the Exeter Railway Company, of New Hampshire, is hereby authorized to lease its road and franchise, and other property, to any responsible railroad company, whose road may connect with the road of the said Exeter and Salisbury Railway Company.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1870.

AN ACT IN ADDITION TO AN ACT FOR SUPPLYING THE TOWN OF SOMERVILLE WITH WATER.

Chap. 72.

Be it enacted, &c., as follows :

The town of Somerville is hereby authorized to raise by taxation, or by borrowing from time to time, an amount not exceeding in the aggregate the sum of one hundred thousand dollars, in addition to the amount authorized to be raised by chapter two hundred and two of the acts of the year one thousand eight hundred and sixty-eight, to be used for the purposes therein specified.

May raise \$100,000 by taxation or loan.

Approved March 11, 1870.

AN ACT CONCERNING THE WARE RIVER RAILROAD COMPANY.

Chap. 73.

Be it enacted, &c., as follows :

SECTION 1. The Ware River Railroad Company is hereby authorized to proceed to build the second and fourth sections of its railroad, as the same are defined by section six of chapter seventy-six of the acts of the year eighteen hundred and sixty-seven, when the sum of one hundred and fifty thousand dollars shall have been subscribed for the building of either of said sections specifically ; but before either of said sections shall be commenced, a certificate shall be filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president and a majority of the directors of said company, stating that the sum herein named has been subscribed for the section they propose to build, by responsible parties, and that twenty per centum of the par value of each and every share embraced in said sum has been actually paid into the treasury of said company.

May build second and fourth sections of road when \$150,000 is subscribed.

Certificate to be filed with the secretary of Commonwealth.

SECTION 2. Said company may enter with its road upon and unite with the road of the Monadnock Railroad Company, at or near the depot of said Monadnock Railroad Company, in Winchendon, and may use the same, subject to the provisions of the general laws.

May unite with Monadnock Railroad.

SECTION 3. The towns of Hardwick, New Braintree, Barre, Hubbardston, Templeton and Winchendon are hereby severally authorized to subscribe for and hold shares in the capital stock of the Ware River Railroad Company to an amount not exceeding five per centum of the assessed valuation of said towns respectively : *provided*, that two-thirds of the legal voters of said towns, respectively, present and voting by ballot, and using the check list, at a legal town meeting duly called for the purpose, shall vote to subscribe for such shares ; and said towns may pay for such shares, so voted to be taken, out of their respective treasuries, and are hereby authorized to raise, by loan upon bonds, or tax or otherwise, any and all sums of money which may be necessary to pay

Hardwick, New Braintree, Barre, Hubbardston, Templeton and Winchendon may take stock in road.

Proviso.

for the same, and may hold and dispose of the same like other town property.

Selectmen or their agents may represent towns at company meetings.

SECTION 4. The selectmen of said towns, or any agent specially chosen for the purpose, shall have authority to represent said towns respectively, at any and all meetings of the Ware River Railroad Company; and said towns so represented are hereby authorized to vote on the whole amount of the stock held by said towns respectively, anything in chapter sixty-three of the General Statutes to the contrary notwithstanding.

Subscriptions to stock not to exceed five per cent. of valuation of towns.

SECTION 5. The total amount of all subscriptions of either of said towns which have been, or may be made to the stock of any railroad company or companies, under authority of this or any previous act, shall not exceed five per centum of the assessed valuation of said town.

SECTION 6. This act shall take effect upon its passage.

Approved March 15, 1870.

Chap. 74.

AN ACT TO INCORPORATE THE SOMERVILLE SAVINGS BANK.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Columbus Tyler, Robert A. Vinal, Charles S. Lincoln, William A. Richardson and Edwin B. Buckingham, their associates and successors, are hereby made a corporation by the name of the Somerville Savings Bank, to be established in the town of Somerville; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force applicable to savings banks and institutions for saving.

Name.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1870.

Chap. 75.

AN ACT TO AMEND CHAPTER FORTY-THREE OF THE GENERAL STATUTES, IN RELATION TO LAYING OUT HIGHWAYS AND TOWN WAYS.

Be it enacted, &c., as follows:

Party aggrieved by estimation of damages caused by laying out, &c., highways, may have jury, unless it is agreed to have question settled by a committee.

SECTION 1. A party aggrieved by the doings of the commissioners in the estimation of his damages, occasioned either by the laying out, locating anew, altering or discontinuing a highway, or by any specific repairs ordered by the commissioners, or in the sum awarded him as indemnity therefor, may have a jury to determine the matter of his complaint upon written application to the commissioners; unless he agrees with the parties adversely interested to have the same determined by a committee, to be appointed under the direction of the commissioners.

SECTION 2. Sections nineteen, twenty and twenty-one of the forty-third chapter of the General Statutes, and so much

of section seventy-three of said chapter as provides that a jury may alter a town way, and all other acts inconsistent herewith, are hereby repealed.

Approved March 15, 1870.

AN ACT IN RELATION TO RETURNS FROM ASSESSORS OF CITIES AND TOWNS.

Chap. 76.

Be it enacted, §c., as follows :

SECTION 1. The assessors of each city and town in the Commonwealth, in addition to the returns which they are now required to make by the provisions of the first section of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, shall, at the time specified in said section, return also the aggregate amount of the assets of their respective cities or towns, and the amount of indebtedness of such cities or towns, for which notes, bonds, or other similar evidences of debt, the payment of which is not provided for by the taxation of the then current year, were outstanding on the first of May then next preceding, with a concise statement of the various purposes for which such indebtedness was incurred, and the amount incurred for each purpose.

Assessors to return assets of towns, and indebtedness not provided for by taxation.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1870.

AN ACT CONCERNING PROCEEDINGS BEFORE CERTAIN MAGISTRATES.

Chap. 77.

Be it enacted, §c., as follows :

SECTION 1. Whenever a magistrate shall fail to attend at the time and place, to which any process under the one hundred and twenty-fourth chapter of the General Statutes is returnable, or continued, before him, any other magistrate named in section one, of said chapter, may attend at such time and place, and continue the proceeding not exceeding thirty days, without costs, saving the rights of all parties; and he shall make a certificate thereof, which shall be by him delivered to the magistrate before whom such process is pending.

If magistrate fails to attend when process under G. S. 124 is returnable, another magistrate may continue proceedings, &c.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1870.

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR.

Chap. 78.

Be it enacted, §c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, for the purposes specified, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, to meet the current expenses of the year

Appropriations authorized.

ending on the thirty-first day of December, in the year eighteen hundred and seventy, to wit :

LEGISLATIVE AND EXECUTIVE DEPARTMENTS.

Senate and
house printing
and binding.
Res. 1856, 74.

For printing and binding ordered by the senate or house of representatives or by the concurrent order of the two branches, a sum not exceeding thirty-two thousand dollars.

Senate station-
ery.
Res. 1856, 74.

For stationery for the senate, purchased by the clerk of the senate, a sum not exceeding one thousand one hundred dollars.

Printing.
Res. 1856, 74.

For printing blanks and circulars and the calendar of orders of the day for the use of the senate, a sum not exceeding one thousand dollars.

House station-
ery.
Res. 1856, 74.

For stationery for the house of representatives, purchased by the clerk of the house of representatives, a sum not exceeding two thousand two hundred dollars.

Printing.
Res. 1856, 74.

For printing blanks and circulars and the calendar of orders of the day for the use of the house of representatives, a sum not exceeding one thousand one hundred dollars.

Sergeant-at-
arms, books,
&c.
Res. 1856, 74.

For books, stationery, printing and advertising, ordered by the sergeant-at-arms for the legislature, a sum not exceeding six hundred dollars.

Committees of
legislature.
G. S. 14, § 46;
1869, 309.

For the authorized expenses of committees of the present legislature, the same to include clerical assistance to committees authorized to employ the same, a sum not exceeding eight thousand dollars.

Governor and
council.
Postage, &c.
Res. 1856, 74.
Copyists.
Res. 1870, 4.

For postage, printing and stationery, for the governor and council, a sum not exceeding six hundred dollars.

For the compensation of copyists employed by the governor, a sum not exceeding two thousand four hundred dollars.

STATE HOUSE.

State house.
Fuel and lights.
G. S. 14, § 62.
Repairs and
furniture.
G. S. 14, § 62.

For fuel and lights for the state house, a sum not exceeding seven thousand five hundred dollars

For repairs, improvements and furniture of the state house, a sum not exceeding three thousand dollars.

Contingent ex-
penses of sen-
ate and house.
G. S. 14, § 62.

For contingent expenses of the senate and house of representatives and necessary expenses in and about the state house, a sum not exceeding four thousand dollars : *provided*, that no part of such sum shall be expended for stationery, postage, printing, repairs or furniture, or for the purchase of any article or thing, or to effect any object for which an appropriation is otherwise made in this act or in any act which may be subsequently passed.

STATE PRINTING.

For printing such number, not exceeding thirty-five thousand, of the pamphlet edition of the general acts and resolves of the present year, for distribution in the Commonwealth, a sum not exceeding five thousand dollars.

Printing general laws.
G. S. 3; 1866, 65.

For printing and binding three thousand five hundred copies of the "blue book" edition of the acts and resolves of the present year, with the governor's messages and other matters, in the usual form, a sum not exceeding six thousand dollars.

"Blue book."
G. S. 3.

For the newspaper publication of the general laws and all other information intended for the public, a sum not exceeding four hundred dollars.

Newspaper publication of general laws, &c.
1865, 193.

For printing the public series of documents in the last quarter of the year one thousand eight hundred and seventy, under the direction of the secretary of the Commonwealth, and for binding the copies to be distributed to the towns and cities, a sum not exceeding thirty thousand dollars.

Public documents.
Binding.
G. S. 4.

For term reports, a sum not exceeding five thousand five hundred dollars.

Term reports.
1859, 290.

For printing and binding the annual railroad reports, a sum not exceeding two thousand five hundred dollars.

Railroad reports.
1864, 167.

For the publication and editing of the supplement to the General Statutes for the present year, as authorized by chapter eighteen of the resolves of the year eighteen hundred and sixty-seven, a sum not exceeding five hundred dollars for the publication, and two hundred dollars for editing the same.

Supplement to General Statutes.

For printing the report of shareholders in the national banks of the Commonwealth, as required by chapter one hundred and eighty-eight of the acts of the year eighteen hundred and sixty-seven, a sum not exceeding five thousand dollars.

National banks.

INCIDENTAL AND CONTINGENT EXPENSES.

For incidental expenses of the secretary's department, a sum not exceeding five thousand dollars; and for assessors' books and registration blanks for the secretary's department, a sum not exceeding two thousand five hundred dollars.

Incidental expenses.
Secretary.
G. S. 14, 21;
1861, 167.

For incidental expenses of the treasurer's department, a sum not exceeding one thousand two hundred dollars.

Treasurer.
G. S. 14.

For the expenses of the tax commissioner, a sum not exceeding two thousand two hundred dollars.

Tax commissioner.
1864, 208; 1865, 283.

For incidental expenses of the auditor's office, a sum not exceeding six hundred dollars.

Auditor.
1867, 178.

For fees, costs and court expenses of the attorney-general, and for incidental and contingent expenses of the office of

Fees, costs, &c
G. S. 14.

the attorney-general, a sum not exceeding one thousand seven hundred dollars.

Civil actions.
G. S. 14, § 24.

For the contingent expenses of civil actions, as authorized by section twenty-four of chapter fourteen of the General Statutes, a sum not exceeding three hundred dollars.

MILITARY.

Adjutant-general, incidental expenses.
1866, 219; 1867, 266.

For the incidental expenses and express charges of the adjutant-general, a sum not exceeding two thousand five hundred dollars.

Militia bounty.
1866, 219; 1867, 266.

For militia bounty, a sum not exceeding one hundred twenty-two thousand dollars.

Military accounts.
1866, 219; 1867, 266.

For military accounts, a sum not exceeding seven thousand dollars.

Quartermaster-general.
1866, 219; 1867, 266.

For expenses of the bureau of the quartermaster-general, a sum not exceeding six thousand dollars.

Rent of armories.
1866, 219; 1867, 266.

For the rent of armories, a sum not exceeding twenty-five thousand dollars.

Books of instruction, &c.
1866, 219; 1867, 266.

For instruction, orderly and roll books, a sum not exceeding two hundred and fifty dollars.

Commissioners on State bounties.
1863, 91, 254.

For the expenses of the commissioners on state bounties, a sum not exceeding one hundred and fifty dollars.

Soldiers' cemeteries.
Res. 1867, 60.

For expenses of the state commissioner on the soldiers' national cemeteries at Gettysburg and Antietam, a sum not exceeding one hundred and fifty dollars.

Surgeon-general, expenses.
1861, 219; 1866, 219; 1867, 266.

For expenses of the bureau of the surgeon-general, a sum not exceeding five hundred dollars.

Medical supplies.
1866, 219; 1867, 266.

For medical, surgical and hospital supplies, and contingent expenses connected therewith, the same being for the use of the state militia, a sum not exceeding three hundred dollars.

State aid for resident soldiers.
1866, 172.

For the re-imbursement of cities and towns for money paid on account of aid to Massachusetts volunteers and their families, a sum not exceeding six hundred fifty thousand dollars, the same to be payable on the first day of December, in the year eighteen hundred and seventy.

State aid law, expenses.
1866, 172.

For expenses attending the administration of the law, providing state aid for Massachusetts volunteers and their families, a sum not exceeding five hundred dollars.

Soldiers' bounties.
1863, 91, 254.

For the payment of bounties remaining due to Massachusetts soldiers, a sum not exceeding eight thousand dollars.

State aid to non-resident soldiers.
1866, 172.

For the payment from the state treasury of aid to Massachusetts volunteers resident out of the Commonwealth, a sum not exceeding ten thousand dollars.

AGRICULTURAL.

For bounties to agricultural societies, a sum not exceeding seventeen thousand three hundred twenty-nine dollars and forty-four cents.

Bounties to societies.
G. S. 66, etc.

For the personal expenses of members of the board of agriculture, a sum not exceeding one thousand two hundred dollars.

Expenses of members of board.
G. S. 16.

For the travelling expenses of the secretary of said board, all postages and necessary expenses, a sum not exceeding two hundred and fifty dollars.

Expenses of secretary of board.
Res. 1853, 67.

For other incidental expenses of said board, a sum not exceeding one hundred and fifty dollars.

Incidental expenses.
G. S. 16.

For printing the report of the board of agriculture, a sum not exceeding twelve thousand dollars.

Printing report.
G. S. 16.

MISCELLANEOUS.

To the sheriffs of the several counties, for distributing proclamations, blanks, and making returns of votes, a sum not exceeding four hundred dollars.

Distribution of blanks by sheriffs.
G. S. 157.

For the purchase of books for the state library, two thousand three hundred dollars, to be expended under the direction of the trustees and librarian.

Books for State library.
G. S. 5.

To the museum of comparative zoölogy, and to the president and trustees of Williams college, each twenty-five thousand dollars, payable in accordance with the provisions of chapter sixty-four of the resolves of eighteen hundred and sixty-eight.

Museum of Comparative Zoölogy, Williams College.

For the compensation of experts or other agents, and for contingent expenses of the railroad commissioners, a sum not exceeding two thousand dollars.

Railroad commissioners, contingent expenses.
1869, 408, § 7.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1870.

AN ACT IN RELATION TO LAYING OUT STREETS IN THE TWELFTH AND SIXTEENTH WARDS OF THE CITY OF BOSTON.

Chap. 79.

Be it enacted, §c., as follows :

SECTION 1. The board of aldermen of the city of Boston, with the concurrence of the city council of said city, may lay out such public highways and streets in the sixteenth ward of said city, being the territory formerly constituting the town of Dorchester, as they in their judgment shall deem to be for the common benefit of the inhabitants of said city, and pay for the land so taken ; which highways and streets said city of Boston shall not be obliged to complete sooner than the board of aldermen may deem it expedient so to do.

City council may lay out streets, &c., in territory formerly Dorchester, and pay for land taken.

SECTION 2. The board of aldermen of said city of Boston, may in like manner, with the concurrence of the city council,

May lay out streets, &c., in twelfth ward and South Bay.

lay out such public highways and streets in the twelfth ward in said city and the territory known as South Bay, as they in their judgment shall deem to be for the common benefit of the inhabitants of said city, and pay for the land so taken, which highways and streets said city of Boston shall not be obliged to complete sooner than the board of aldermen may deem it expedient to do so.

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1870.

Chap. 80. AN ACT TO AMEND AN ACT TO ESTABLISH THE POLICE COURT OF HAVERHILL.

Be it enacted, &c., as follows :

Court for civil business.

SECTION 1. Section five of chapter three hundred and sixteen of the acts of eighteen hundred and sixty-seven is hereby so amended that the police court of Haverhill shall be held for civil business on the first and third Mondays of each month, and on such other days as the standing justice of said court shall determine.

SECTION 2. This act shall take effect on the first day of April next.

Approved March 17, 1870.

Chap. 81. AN ACT TO INCORPORATE THE EXCHANGE INSURANCE COMPANY OF LYNN.
Be it enacted, &c., as follows :

Corporators.

SECTION 1. Amos F. Breed, Philip A. Chace, David H. Sweetser, their associates and successors, are hereby made a corporation, by the name of the Exchange Insurance Company, in the city of Lynn, for the purpose of making insurance against maritime losses and losses by fire ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which are or may be in force relating to such corporations.

Name and purpose.

Powers and duties.

Capital stock.

SECTION 2. Said corporation shall have a capital stock of one hundred thousand dollars, with liberty to pay in and increase the same to three hundred thousand dollars : *provided*, that such increase shall be paid in, in cash, within three years from the passage of this act.

Real estate.

SECTION 3. Said corporation may hold real estate for its own use to an amount not exceeding ten per cent. of its paid up capital.

SECTION 4. This act shall take effect upon its passage.

Approved March 17, 1870.

Chap. 82. AN ACT TO INCORPORATE THE SOUTHBRIDGE MUTUAL FIRE INSURANCE COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Manning Leonard, Samuel M. Lane, Chester A. Dresser, their associates and successors, are hereby made

a corporation by the name of the Southbridge Mutual Fire Insurance Company, to be located in the town of Southbridge, for the purpose of making insurance against losses or damage by fire or lightning, on the mutual principle; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Name and purpose.

Powers and duties.

SECTION 2. Policies of insurance may be issued on property situated in the state of Connecticut.

Policies on property in Connecticut.

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1870.

AN ACT TO INCORPORATE THE TAUNTON INSURANCE COMPANY.

Chap. 83.

Be it enacted, &c., as follows:

SECTION 1. William Mason, John E Sanford, Harrison Tweed, their associates and successors, are hereby made a corporation by the name of the Taunton Insurance Company, in the city of Taunton, with power to insure against loss or damage by fire, the perils of the sea and other perils usually insured against by marine insurance companies, including risks of inland navigation and transportation; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws, which are or may be in force relating to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation shall have a capital stock of one hundred thousand dollars, with liberty to pay in and increase the same to an amount not exceeding five hundred thousand dollars: *provided*, that such increase of capital shall be paid in, in cash, within three years from the passage of this act.

Capital stock.

SECTION 3. Said corporation may hold real estate for its own use to an amount not exceeding ten per centum of its paid up capital.

Real estate.

Approved March 17, 1870.

AN ACT TO INCORPORATE THE HIBERNIAN FRIENDLY SOCIETY OF MARBLEHEAD.

Chap. 84.

Be it enacted, &c., as follows:

SECTION 1. Charles Rainoni, James H. McCool, William Fabens, their associates and successors, are hereby made a corporation, to be located in Marblehead, by the name of the Hibernian Friendly Society of Marblehead, for benevolent and charitable purposes; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Corporators.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 2. Said corporation may hold real and personal estate of a value not exceeding twenty-five thousand dollars, for its corporate purposes.

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1870.

Chap. 85.

AN ACT TO INCORPORATE THE WELLESLEY FEMALE SEMINARY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. William Claflin, Edward N. Kirk, Abner Kingman, their associates and successors, are hereby made a corporation by the name of The Wellesley Female Seminary, with power to establish and maintain an institution for the education of youth in the town of Needham ; with all the rights and powers and subject to all the duties and liabilities set forth in chapter sixty-eight of the General Statutes, so far as the same may be applicable to such corporations.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 2. Said corporation may hold in fee simple, or any less estate by gift, grant, bequest or otherwise, any lands, tenements or other estate, real or personal, to an amount not exceeding six hundred thousand dollars, and administer the same to promote the objects of said corporation in conformity with the conditions of and the trusts created by the deed of gift or will of any donor who may convey or bequeath any such estate to said corporation.

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1870.

Chap. 86.

AN ACT TO INCORPORATE THE CROCKER PAPER COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Alvah Crocker, Charles T. Crocker and George T. Fay, their associates and successors, are hereby made a corporation, in the towns of Fitchburg and Montague, by the name of the Crocker Paper Company, for the purpose of manufacturing paper in all its varieties ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Name and purpose.

Powers and duties.

Capital stock and shares.

SECTION 2. Said corporation shall have a capital stock of seven hundred thousand dollars, divided into shares of one hundred dollars each.

SECTION 3. Said corporation may commence business when two hundred thousand dollars shall have been subscribed and paid in, in cash.

SECTION 4. This act shall take effect upon its passage.

Approved March 17, 1870.

AN ACT TO INCORPORATE THE EAST BOSTON LAND IMPROVEMENT COMPANY.

Chap. 87.

Be it enacted, &c., as follows :

SECTION 1. Thomas Russell, John C. Crowley, Rowland Worthlington, their associates and successors, are hereby made a corporation by the name of the East Boston Land Improvement Company ; with all the powers and privileges, and subject to the duties, liabilities and restrictions set forth in the sixty-eighth chapter of the General Statutes and acts in addition thereto.

Corporators.

Name and purpose.
Powers and duties.

SECTION 2. Said corporation may purchase, hold and convey the whole or any part of certain marsh lands and flats not to exceed in amount one hundred and thirty acres, situated in that part of Boston known as East Boston, and comprised for the most part, in what is known as the "Basin ;" and may grade, drain, fill up and improve the same and divide the proceeds thereof among the stockholders, after paying the debts of the corporation.

May hold and improve lands in East Boston.

SECTION 3. The capital stock of said corporation shall not exceed five hundred thousand dollars, the same to be divided into shares of one hundred dollars each ; and no share in said capital stock shall be issued for a less sum, or amount to be paid in, in cash, on each, than the par value of said shares.

Capital stock and shares.

SECTION 4. This act shall take effect upon its passage.

Approved March 17, 1870.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE TREMONT IMPROVEMENT COMPANY.

Chap. 88.

Be it enacted, &c., as follows :

SECTION 1. The Tremont Improvement Company may purchase, hold and convey any part of the marsh and vacant lands situate partly in Boston and partly in Brookline, and lying between Tremont Street and Beacon Street, and may grade, drain and improve said lands and hold or divide the same, or the proceeds thereof among the stockholders ; with all the powers and privileges in regard to such lands, and subject to all the duties, liabilities and restrictions, granted to or imposed upon them by the act of incorporation : *provided, however*, the whole amount of land held by said company shall not exceed the number of acres to which they were limited by their act of incorporation.

May hold and improve lands in Boston and Brookline.

Proviso.

SECTION 2. All streets or ways laid out by said corporation on its lands, shall be laid out and constructed with the approbation, and under the direction of the commissioners on public lands ; and the sewers and drains which said corporation may construct, shall be constructed under the

Streets to be laid out under direction of commissioners on public lands.
Sewers, drains, &c.

direction of the mayor and aldermen of the city and of the selectmen of the town in which the same may be located.

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1870.

Chap. 89. AN ACT TO AUTHORIZE THE DORCHESTER GAS LIGHT COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, &c., as follows :

\$250,000 additional capital stock.

Proviso.

SECTION 1. The Dorchester Gas Light Company is hereby authorized to increase its capital stock to the amount of two hundred and fifty thousand dollars : *provided*, that any such additional stock shall be divided into shares of one hundred dollars each, and that the par value of each share shall be paid in, in cash, whenever any increase shall take place, said increase to be made at such times and in such sums as the directors may determine.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1870.

Chap. 90. AN ACT TO AUTHORIZE THE MANSFIELD AND FRAMINGHAM RAILROAD COMPANY TO LEASE ITS ROAD, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

May lease road to Boston, Clinton and Fitchburg Railroad Company, or roads may be united.

SECTION 1. The Mansfield and Framingham Railroad Company is hereby authorized to lease its road and franchise, or any part thereof, to the Boston, Clinton and Fitchburg Railroad Company, which is hereby authorized to hire the same, and said corporations may at any time hereafter by a vote of a majority in interest of the stockholders present and voting at meetings of each corporation called for that purpose, unite and make joint stock upon such terms and conditions as may be mutually agreed upon, and such votes so passed by said corporations respectively shall be effectual to unite said corporations within the intent and meaning of this act.

Powers and duties of new corporation.

SECTION 2. The corporation so formed shall have, hold and possess all the powers, privileges, rights, franchises, property, claims and demands, which at the time of such union may be held and enjoyed by either of said existing corporations, and be subject to all the duties, restrictions, debts and liabilities to which at the time of union either is subject in severalty.

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1870.

AN ACT TO AUTHORIZE THE WORCESTER AND NASHUA RAILROAD COMPANY TO CONSTRUCT AN ADDITIONAL TRACK AND SUBSCRIBE FOR CERTAIN RAILROAD STOCK.

Chap. 91.

Be it enacted, &c., as follows :

SECTION 1. The Worcester and Nashua Railroad Company is hereby authorized to construct and maintain an additional track by the side of the tracks of its main railroad and branches, commencing at its points of intersection with other railroads in the city of Worcester and extending to the state line in the town of Dunstable, or for any part of the distance between said termini; and for that purpose may take such land and materials as the board of railroad commissioners, upon due examination, shall find to be necessary.

May construct additional track.

SECTION 2. Said corporation shall file a description, approved and endorsed by the board of railroad commissioners, of the location of any land taken under authority of this act, with the commissioners of the county in which the same lies, within two years from the passage of this act.

May take land, &c., under direction of railroad commissioners.

Description of land taken to be filed with county commissioners within two years.

SECTION 3. Said corporation shall pay all damages occasioned by the construction of said additional track and the taking of any land or materials as herein authorized; and all the provisions of the general laws applicable to damages occasioned by anything done under authority of section nineteen of chapter sixty-three of the General Statutes shall be applicable to damages occasioned by anything done under authority of this act.

Damages to be paid.

SECTION 4. Said corporation may subscribe for and hold shares in the capital stock of the Nashua and Rochester Railroad Company to an amount not exceeding two hundred thousand dollars: *provided*, that said corporation by a majority vote on the stock represented, at a meeting of its stockholders duly called for the purpose, shall vote so to do.

May take stock in Nashua and Rochester Railroad Company.

Proviso.

SECTION 5. This act shall take effect upon its passage.

Approved March 17, 1870.

AN ACT FOR THE PROTECTION OF DESTITUTE CHILDREN.

Chap. 92.

Be it enacted, &c., as follows :

SECTION 1. Whenever the town, city or state authorities charged with the custody of destitute children shall delegate to the directors or managers of any charitable institution incorporated by law the custody of an infant less than four years of age, the said directors or managers shall be held to comply with all the provisions of law, and be subject to all the restrictions concerning such infant, that may be required by law of the authorities so delegating the trust.

Directors of charitable institutions delegated by cities, &c., with charge of destitute children, to comply with laws governing city authorities.

SECTION 2. When the parents, surviving parent, or guardian, where neither parent is living, of an infant under twelve

Consent of directors to adoption of children

to have same effect as publication under G. S. 110, § 40.

Proviso.

Suitable persons may be agreed with for care and support of children abandoned by parents.

Form of agreement to be prescribed by board of state charities.

Provisos.

years of age, shall, by an instrument in writing, acknowledged before some one having the powers of a justice of the peace, delegate to the directors or managers of any incorporated charitable institution authorized to accept the same, the custody of such infant, and renounce all future control over the same, the consent of the directors or managers of such institution to the adoption of such child according to the general laws regulating adoption shall have the same effect as publication under the fortieth section of chapter one hundred and ten of the General Statutes: *provided, further*, that a copy of the written consent shall be spread on the record of the case of adoption, and the decree of the judge be recorded in the probate court in the county from whence the child was taken by the managers, and in the county where the decree is made.

SECTION 3. When any infant lawfully in the custody of a charitable institution as aforesaid, has been wilfully deserted and abandoned for more than four months by its parents or natural guardians, the authorities of such institution may procure any suitable person in this Commonwealth to take and support such child for such time as may be specified in a written agreement made for that purpose, not exceeding the time when the child shall be fourteen years old. The form and conditions of such agreement shall be prescribed by the board of state charities, and said agreement, with a descriptive list of the origin, name, age and person of the infant, so far as known, and the name and residence and recommendations of the person taking the child shall be returned to the board of state charities in such form as they may prescribe: *provided, further*, that all children within the purview of this act, except those named in section two, shall be subject to the visitation and control now provided by the general laws for children put out or apprenticed from state institutions: *provided, further*, that nothing herein contained shall diminish the legal rights which parents, guardians and next of kin now have.

SECTION 4. All acts and parts of acts repugnant to the provisions of this act are hereby repealed.

Approved March 19, 1870.

Chap. 93.

AN ACT TO AUTHORIZE CITIES AND TOWNS TO PURCHASE WATER-RIGHTS.
Be it enacted, &c., as follows:

Cities, &c., may purchase right to supply pure water to its inhabitants.

SECTION 1. Any city or town in this Commonwealth may, for the purpose of supplying pure water to its inhabitants, purchase of any aqueduct company, or of any municipal or other corporation, now existing, or that may hereafter be or-

ganized under any special charter or general law of this Commonwealth, the right to take water from any of its sources of supply or from pipes leading therefrom; or may purchase its whole water-rights, estates, properties, franchises and privileges, and by such latter purchase become entitled to all the rights and privileges and subject to all the duties and liabilities appertaining and belonging to said company or corporation: *provided, however*, that no city shall exercise such authority to purchase without the consent of two-thirds of each branch of its city council, sanctioned and ratified by a majority of the voters of said city, present and voting thereon at a legal meeting duly called in their several ward-rooms for that purpose, and at which the check-list shall be used; and *provided, further*, that no town shall exercise such authority to purchase without the consent of a majority of its selectmen, sanctioned and ratified by a majority of the voters of said town, present and voting thereon at a legal meeting duly called for that purpose, and at which the check-list shall be used.

—not to purchase without consent of two-thirds of city council or majority of selectmen.

SECTION 2. Any city or town which shall make such purchase, may issue bonds in payment thereof, at a rate of interest not exceeding seven per cent., payable semi-annually, and redeemable at some time not exceeding twenty years from the date thereof.

—may issue bonds in payment, redeemable in twenty years.

SECTION 3. Any city or town which shall make such purchase and issue bonds as aforesaid, may, for the purpose of purchasing materials, laying pipes, and doing other work necessary in order to supply its inhabitants with pure water for domestic uses, or for extinguishment of fires, issue additional bonds similar to those heretofore specified: *provided*, the whole amount issued under this and the preceding section does not exceed ten per cent. of its valuation.

—may issue additional bonds for laying pipes, &c.

Proviso.

SECTION 4. In case the water should be brought through another city or town, pipes may be laid through such streets and highways of said city or town as shall be designated by the mayor and aldermen, or selectmen thereof; and the party exercising the privilege of laying pipes under such permission, shall be liable in an action of contract or tort, for all damages to any party damaged thereby.

Pipes carried through another town, &c., to be laid under direction of selectmen, &c. Liability for damages.

SECTION 5. All purchase-money received by any city or town under or by authority of the provisions of this act, shall be applied to the payment of its water-debt; or, if no such debt exists, then into the general treasury of such city or town.

Purchase-money to be applied to payment of water-debt.

Approved March 19, 1870.

Chap. 94. AN ACT RELATING TO THE SINKING FUND ESTABLISHED BY CHAPTER NINETY-ONE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-THREE.

Be it enacted, &c., as follows :

Amendment to
1863, 91, § 5.

SECTION 1. So much of section five of chapter ninety-one of the acts of the year eighteen hundred and sixty-three as provides that one-tenth part of the amount drawn from the bounty fund established by said act shall be raised by taxation in each year, is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1870.

Chap. 95. AN ACT FOR SUPPLYING THE TOWN OF FITCHBURG WITH PURE WATER.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Powers and duties.

May take water from Pearl Hill and Punch Brooks, in Fitchburg and Lunenburg.

May take land.

To file description of land taken in registry of deeds.

May build aqueducts, drains, &c.

SECTION 1. Alvah Crocker, Ebenezer Torrey, Moses G. Lyon, their associates and successors, are hereby made a corporation under the name of the Fitchburg Water Company, for the purpose of furnishing the inhabitants of said town with pure water; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which are, or may be hereafter in force, so far as the same are applicable to this corporation.

SECTION 2. Said corporation, for the purpose aforesaid, may take, hold and convey, to, into and through said town, the waters of Pearl Hill Brook, or Punch Brook, or both, in the towns of Fitchburg and Lunenburg, together with the tributary waters which flow to either in said towns; and may take and hold by purchase or otherwise, such land, on and around the margin of such brook or brooks, or tributaries, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters; and may also take and hold in like manner, such lands as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works, for collecting, conducting and distributing such waters through said town of Fitchburg. The said corporation shall, within sixty days from the time of taking any land as aforesaid, file in the registry of deeds for the county of Worcester, a description of land so taken, sufficiently accurate for identification, and state the purpose for which it is taken.

SECTION 3. The said corporation may build aqueducts, and maintain the same, by any works suitable therefor; may erect and maintain dams; may make reservoirs and hydrants, and may distribute the water throughout the town of Fitchburg, by laying down pipes, and may establish the rent therefor. Said corporation may also, for the purposes aforesaid, carry its pipes and drains over or under any water-course,

street, railroad, highway, or other way, in such manner as not to obstruct the same; and may enter upon and dig up any road, under the direction of the selectmen of the town of Fitchburg, in such manner as to cause the least hindrance to the travel thereon.

May lay pipes under streets, water-course, &c.

SECTION 4. The said corporation shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land, water, or water-rights, or by the constructing of any aqueducts, reservoirs, or other works for the purposes aforesaid. If any person who shall sustain damage as aforesaid, cannot agree with said corporation upon the amount of said damages, he may have them assessed in the same manner as is provided by law, with respect to land taken for highways; and all damages for the taking of lands for the purposes aforesaid shall be paid for by said corporation, before entering upon such lands.

To pay damages for land taken.

SECTION 5. No application shall be made to the county commissioners for the assessment of damages for the taking of any water-rights until the water is actually withdrawn, or diverted by said corporation. Any person whose water-rights are thus taken, or affected, may apply as aforesaid, at any time within one year from the time when the water is actually withdrawn or diverted.

Application for damages for water-rights taken.

SECTION 6. The said corporation may hold for the purposes aforesaid, real estate to the amount of fifty thousand dollars; and its whole capital stock shall not exceed two hundred thousand dollars, which shall be divided into shares of one hundred dollars each.

\$50,000 in real estate.

Capital stock and shares.

SECTION 7. Any person who shall maliciously divert the water, or any part thereof, of the sources which shall be taken by the corporation, pursuant to the provisions of this act, or who shall maliciously corrupt the same, or render it impure, or who shall maliciously destroy, or injure any dam, or reservoir, aqueduct, pipe or hydrant, or other property held, owned, or used by said corporation, for the purposes of this act, shall pay three times the amount of actual damages to the said corporation, to be recovered in an action of tort; and every such person, on conviction of either of the malicious acts aforesaid, shall be punished by fine, not exceeding one hundred dollars, and imprisonment, not exceeding six months.

Penalties for maliciously diverting waters or corrupting the same.

SECTION 8. The town of Fitchburg may at any time within one year from the passage of this act, assume all its rights and privileges from the corporators aforementioned: *provided*, a majority of the legal voters thereof, present and voting, shall so determine, at any legal meeting held for the purpose.

Fitchburg may assume rights of corporators within one year. Proviso.

—may issue water scrip, not exceeding \$200,000, at seven per cent. interest.

SECTION 9. For the purpose of defraying the cost of such property, lands, water and water-rights, as shall be purchased for the purposes aforesaid, the town of Fitchburg, through its treasurer, shall have authority to issue from time to time, notes, scrip, or certificates of debt, to be denominated on the face thereof "Fitchburg Water Scrip," to an amount not exceeding two hundred thousand dollars, bearing interest at a rate not exceeding seven per centum per annum; which interest shall be payable semi-annually, and the principal shall be payable at periods not more than twenty years from the issuing of said scrip, notes, or certificates respectively. Said treasurer, under the authority of said town, may sell the same, or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as he may deem proper. Said town is further authorized to make appropriations, and assess from time to time, such amounts, not exceeding in one year the sum of ten thousand dollars, towards paying the principal of the money so borrowed, and also a sum sufficient to pay the interest thereof, in the same manner as money is assessed and appropriated for other town purposes.

Powers, duties, liabilities, &c.

SECTION 10. In case the town of Fitchburg shall assume from the corporators the property, rights and privileges of the corporation established by this act, said town shall exercise all the rights, powers and authority, and be subject to all the restrictions, duties and liabilities herein contained, in such manner, and by such officers, servants and agents as the selectmen shall from time to time ordain, appoint and direct; and said town shall be liable to pay all damages occasioned by the diversion of any water, or the obstruction of any stream, or the flowing of any lands for the purposes of said aqueduct, which shall not have been previously paid by said corporation.

Approved March 19, 1870.

Chap. 96. AN ACT TO INCREASE THE CAPITAL STOCK OF THE PROPRIETORS OF THE ODD FELLOWS HALL IN THE CITY OF BOSTON.

Be it enacted, &c., as follows:

\$225,000 additional capital stock.

Real estate.

SECTION 1. The proprietors of the Odd Fellows Hall, in the city of Boston, are hereby authorized to increase their capital stock by the sum of two hundred and twenty-five thousand dollars, and to hold real estate to the value of two hundred thousand dollars in addition to the amount they are now authorized to hold.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1870.

AN ACT TO AUTHORIZE THE POCASSET MANUFACTURING COMPANY TO CON-
STRUCT A WHARF IN FALL RIVER.

Chap. 97.

Be it enacted, &c., as follows :

SECTION 1. License is hereby given to the Pocasset Manufacturing Company to construct and maintain a wharf from a lot of land now owned by the said corporation, in the city of Fall River; said wharf not to exceed the width of said lot of land, and not to extend beyond the channel of the river: *provided*, that all things done under this act shall be subject to the determination of the board of harbor commissioners as provided by section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this license shall in no wise impair the legal rights of any person, that it may be revoked at any time and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith erected under the same.

May build wharf in Fall River.

Subject to control of harbor commissioners.

Proviso.

SECTION 2. This act shall take effect upon its passage.

*Approved March 19, 1870.*AN ACT TO AUTHORIZE RICHARD R. FREEMAN AND OTHERS TO CONSTRUCT
A WHARF IN WELLFLEET.

Chap. 98.

Be it enacted, &c., as follows :

SECTION 1. License is hereby given to Richard R. Freeman and others to build and maintain a wharf from their own land in the town of Wellfleet; said wharf not to exceed four hundred feet in width, and one thousand feet in length, with a right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided, however*, that such wharf shall not extend beyond such line as the harbor commissioners may designate; and that all things done under this act shall be subject to the determination and approval of the board of harbor commissioners, as provided by section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this license shall in no wise impair the legal rights of any person: and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

May build wharf in Wellfleet.

Subject to control of harbor commissioners.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1870.

Chap. 99. AN ACT TO AUTHORIZE THOMAS J. DUNBAR TO CONSTRUCT A WHARF IN WEYMOUTH.

Be it enacted, &c., as follows :

May build wharf in Weymouth.

SECTION 1. License is hereby given to Thomas J. Dunbar to construct and maintain a wharf on his land in Weymouth, situated on the easterly bank of Weymouth fore river, at or near "Pine Point" so called, and extending from high-water wash so far as will enable him to obtain an average depth of eight feet of water at mean low water at the end of said pier : *provided*, that said end of said pier shall not be more than two hundred seventy-five feet from the main land, nor extend beyond the base of the abrupt bank along the edge of the channel ; also, *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; and *provided*, that this license shall in no wise impair the legal rights of any person : and *provided*, further, that this license may be revoked at any time, and shall expire at the end of five years after its taking effect, except in so far as valuable structures may have been actually and in good faith built under the same.

Subject to control of harbor commissioners.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1870.

Chap. 100 AN ACT TO INCORPORATE THE ATTLEBOROUGH BRANCH RAILROAD COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Handel N. Daggett, Henry F. Barrows, Stephen Richardson, their associates and successors, are hereby made a corporation by the name of the Attleborough Branch Railroad Company ; with all the rights, powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to railroad corporations.

Name and purpose. Powers and duties.

Location.

SECTION 2. Said corporation may locate, construct, maintain, and operate a railroad, with one or more tracks, commencing at such convenient point on or near the railroad of the Boston and Providence Railroad Corporation, as it may select in that part of Attleborough called East Attleborough, thence running in a north-westerly direction to some convenient point in North Attleborough, so called.

May unite with Boston and Providence and Taunton Branch Railroads.

SECTION 3. Said corporation may enter with its road upon, unite the same with, and use the railroads of the Boston and Providence Railroad Corporation, and the Taunton Branch Railroad Corporation, and the said Boston and Providence Railroad Corporation, and the said Taunton Branch Railroad

Corporation, may enter with their railroads upon, unite the same with, and use the railroad of the said Attleborough Branch Railroad Company, subject to the provisions of the general laws, and said Attleborough Branch Railroad Company may cross with its road the railroad of the Boston and Providence Railroad Corporation : *provided*, that such crossing shall be constructed and maintained at the expense of said company and in such manner as may be agreed upon by said company and said Boston and Providence Railroad Corporation, or if they shall fail to agree, in such manner, at grade or otherwise, as the board of railroad commissioners shall direct.

Proviso.

SECTION 4. The capital stock of said corporation shall not exceed one hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

Capital stock and shares.

SECTION 5. Said corporation may lease its railroad to any other railroad corporation upon such terms as may be mutually agreed upon.

May lease road.

SECTION 6. This act shall take effect upon its passage, and shall be void unless the said railroad is located within one year and constructed within two years from the passage of this act.

To be located within one year and constructed within two years.

Approved March 19, 1870.

AN ACT TO EXTEND THE TIME FOR THE LOCATION AND CONSTRUCTION OF THE MYSTIC RIVER RAILROAD.

Chap. 101

Be it enacted, &c., as follows :

SECTION 1. The time for the location of the Mystic River Railroad is hereby extended to the first day of May, in the year eighteen hundred and seventy-one, and the time for the construction of the same, is extended to the first day of May, in the year eighteen hundred and seventy-three.

Time for location and construction extended.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1870.

AN ACT TO AUTHORIZE THE SALEM MECHANIC HALL CORPORATION TO ISSUE NEW SHARES, AND FOR OTHER PURPOSES.

Chap. 102

Be it enacted, &c., as follows :

SECTION 1. The Salem Mechanic Hall Corporation is hereby authorized to issue new shares, not exceeding seven hundred in all, as hereinafter provided.

May issue seven hundred new shares.

SECTION 2. Before any sale of the new shares authorized to be issued by this act, the directors of said corporation shall give notice in writing to the stockholders of such authorized increase ; and within thirty days after such notice, the stockholders may take, at fifty dollars per share, their proportion of said increased shares, according to the number of shares in said corporation owned by them severally at the date of

Stockholders to have right to take new shares within thirty days.

said increase ; and if any shares shall remain unsold after the expiration of said thirty days, the same may be disposed of by said corporation at not less than fifty dollars per share.

\$35,000 additional real estate.

SECTION 3. Said corporation shall have power to hold real estate to the amount of thirty-five thousand dollars, in addition to the amount they are now authorized to hold, for the purposes named in their charter.

SECTION 4. This act shall take effect upon its passage.

Approved March 19, 1870.

Chap. 103 AN ACT TO INCORPORATE THE NEW ENGLAND CONSERVATORY OF MUSIC.
Be it enacted, &c., as follows :

Corporators.

SECTION 1. Eben Tourjée, L. Franklin Snow, Richard W. Husted, their associates and successors, are hereby made a corporation by the name of the New England Conservatory of Music, to be located in Boston, for the purpose of promoting the study and practice of music, and culture therein, by the establishment of a school of musical science and by other suitable means ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force in this Commonwealth, applicable to such corporations.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 2. Said corporation may hold for its purposes real or personal estate to an amount not exceeding one hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved March 19, 1870.

Chap. 104 AN ACT TO INCORPORATE THE BOSTON NUMISMATIC SOCIETY.
Be it enacted, &c., as follows :

Corporators.

SECTION 1. Jeremiah Colburn, John Phelps Putnam, William Sumner Appleton, and Henry Davenport, their associates and successors, are hereby made a corporation by the name of the Boston Numismatic Society, to be located in Boston, for the purpose of collecting and preserving medals and coins and publishing accounts of the same ; also for the collection of a numismatic library, elucidating the history of ancient and modern medals and coins ; and for these purposes, shall have all the powers and privileges, and be subject to all the duties, requirements and liabilities set forth in the sixtieth chapter of the General Statutes.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 2. The said corporation may hold and possess real and personal estate to an amount not exceeding twenty-five thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved March 19, 1870.

AN ACT RELATING TO THE PRICE TO BE PAID FOR THE BOARD OF INSANE STATE PAUPERS IN LUNATIC HOSPITALS.

Chap. 105

Be it enacted, &c., as follows :

SECTION 1. The expenses of the state lunatic hospitals for the support of lunatics not having known settlements in this state, committed thereto, shall be paid quarterly by the Commonwealth at the same rate charged for city and town pauper lunatics therein, but not to exceed the sum of three dollars and fifty cents for each person per week ; and the same may afterwards be recovered, by the treasurer of the Commonwealth, of the lunatics themselves, if of sufficient ability to pay the same, or of any person or kindred obligated by law to maintain them, or of the place of their settlement, if any such is ascertained.

Price of board of insane State paupers not to exceed \$3.50 per week.

Amount to be recovered from lunatics, if able to pay.

SECTION 2. Section one of chapter one hundred and thirty-eight of the acts of eighteen hundred and sixty-four, together with all other acts and resolves or parts of acts and resolves inconsistent herewith, is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved March 21, 1870.

AN ACT RELATING TO THE NORMAL SCHOOLS AND BOARD OF EDUCATION.

Chap. 106

Be it enacted, &c., as follows :

SECTION 1. The general management of the several state normal schools situated respectively at Framingham, Bridgewater, Salem and Westfield, shall be vested in the board of education, and moneys appropriated from time to time for their maintenance may be expended under the direction of said board, subject to the provisions of chapter one hundred and seventy-eight of the acts of eighteen hundred and sixty-seven.

Board of education to have management of normal schools, and charge of expenditures of appropriations.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1870.

AN ACT TO LEGALIZE A CERTAIN TOWN MEETING IN THE TOWN OF WENHAM.

Chap. 107

Be it enacted, &c., as follows :

SECTION 1. The proceedings at the annual town meeting of the town of Wenham, held the first day of March, in the year eighteen hundred and seventy, and the legality of said meeting, shall in no way be affected by the fact that the warrant calling said meeting was not signed by a majority of the selectmen of said town, and said meeting shall be held, to all intents and purposes, as legal, as if said warrant had been signed by a majority of said selectmen.

Annual town meeting of Wenham legalized.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1870.

Chap. 108 AN ACT TO AUTHORIZE CYRUS T. BATCHELDER TO EXTEND HIS WHARF AT DANVERSPOFT, IN THE TOWN OF DANVERS.

Be it enacted, &c., as follows :

May extend
wharf in Dan-
vers.

SECTION 1. License is hereby given to Cyrus T. Batchelder, subject to the provisions of chapter one hundred and forty-nine of the acts of eighteen hundred and sixty-six, and the first three sections of chapter four hundred and thirty-two of the acts of eighteen hundred and sixty-nine, to enlarge his wharf at Danversport, in the town of Danvers, by extending the southerly end of the same, adjoining land of Jacob L. Ober, to a point ten feet eastward from the present location ; and the northerly end thereof, by land of Jonas Warren, to a point fifty feet eastward from the present location, toward the channel of the river ; and to connect said points by a straight line of stone or other material.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1870.

Chap. 109 AN ACT TO INCORPORATE THE JASPER SUGAR REFINERY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Gustavus A. Jasper, Walter Hastings, James Dana, their associates and successors, are hereby made a corporation by the name of the Jasper Sugar Refinery, to be located in Boston or Charlestown, for the purpose of refining sugar and manufacturing syrups within this Commonwealth ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Name and pur-
pose.

Powers and du-
ties.

Capital stock
and shares.

Real estate.

SECTION 2. The capital stock of said corporation shall not exceed six hundred thousand dollars, which shall be divided into shares of one hundred dollars each ; and said corporation may hold for the purposes aforesaid real estate to an amount not exceeding three hundred thousand dollars, and shall not commence business until three hundred thousand dollars of its capital shall have been paid in in cash.

SECTION 3. This act shall take effect upon its passage.

Approved March 21, 1870.

Chap. 110 AN ACT TO INCORPORATE THE VINEYARD GROVE COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. William H. Phillips, George F. Gavitt, John D. Flint, their associates and successors, are hereby made a corporation by the name of the Vineyard Grove Company, for the purpose of holding, improving, managing and disposing of land and a wharf, or wharves, situated in the town of Edgartown ; said land now being held and owned by the said

Name and pur-
pose.

Phillips, Gavitt and Flint, and their associates; and said corporation may purchase, hold, improve, manage and dispose of such other lands adjacent to, or near the lands aforesaid, as may by said corporation be deemed advisable, and may construct and maintain, subject to the approval and determination of the harbor commissioners, a wharf, or wharves, upon and from their lands, into the tide-waters adjoining thereto: *provided*, that said corporation shall not hold more than three hundred and fifty acres of land; with all the privileges and subject to all the duties, liabilities and restrictions contained in all general laws which now are or may hereafter be in force and applicable to such corporations.

May hold lands, construct wharves, &c.

Proviso.

SECTION 2. The said corporation may erect a hotel, or hotels, upon their lands, and such other buildings as may by them be deemed advisable, and may hold such personal property as may be necessary or convenient for the purposes set forth in this act.

May erect a hotel, &c.

SECTION 3. The capital stock of said corporation shall not exceed one hundred thousand dollars, the same to be divided into shares of one hundred dollars each; and no share in said capital stock shall be issued for a less sum or amount to be actually paid in on each than the par value of the shares which shall be first issued.

Capital stock and shares.

SECTION 4. This act shall take effect from and after its passage.

Approved March 21, 1870.

AN ACT TO INCORPORATE THE BRAINTREE SAVINGS BANK.

Be it enacted, &c., as follows:

SECTION 1. David H. Bates, Alvah Morrison, Joel E. Holbrook, their associates and successors, are hereby made a corporation by the name of The Braintree Savings Bank, to be located in Braintree; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force in this Commonwealth relating to institutions for savings.

Chap. 111

Corporators.

Name.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1870.

AN ACT TO INCORPORATE THE INDIA MANUFACTURING COMPANY.

Be it enacted, &c., as follows:

SECTION 1. James M. Beebe, James P. Cook, John G. White, Joshua W. Daniels, their associates and successors, are hereby made a corporation by the name of the India Manufacturing Company, to be located in Salem, for the purpose of manufacturing bagging, cloth or any fabric, wholly or in part of jute, hemp, flax, silk, cotton, wool or other fibrous material; and for this purpose shall have all the powers

Chap. 112

Corporators.

Name and purpose.

Powers and duties.

and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to manufacturing corporations.

Capital stock and shares.

Real and personal estate.

SECTION 2. The capital stock of said corporation shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each; and said corporation may hold such real and personal estate as shall be necessary or convenient for its purposes; but it shall not go into operation, or incur any liability, until the sum of one hundred thousand dollars has been paid in in cash.

SECTION 3. This act shall take effect upon its passage.

Approved March 21, 1870.

Chap. 113

AN ACT TO INCORPORATE THE FRAMINGHAM AND LOWELL RAILROAD COMPANY.

Be it enacted, §c., as follows:

Corporators.

SECTION 1. Erastus P. Carpenter, Josiah Gates, Hiram A. Blood, their associates and successors, are hereby made a corporation by the name of the Framingham and Lowell Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to railroad corporations.

Name.

Powers and duties.

SECTION 2. Said corporation is hereby authorized to locate, construct, maintain and operate a railroad, with one or more tracks, from some convenient point on the railroad of the Boston, Clinton and Fitchburg Railroad Company, in the town of Framingham, thence running by some convenient route through the towns of Framingham, Sudbury, Concord, Acton, Carlisle, Westford and Chelmsford, to some convenient point in the city of Lowell. And also to locate, construct, maintain and operate a branch railroad from some convenient point on its main railroad, as hereby authorized to be located, by the route deemed most feasible, crossing the Boston and Lowell Railroad at a point at or near Talbot's Mills, in that part of Billerica called North Billerica, to Tewksbury junction, there to connect with the Lowell and Lawrence Railroad.

May construct road from Boston, Clinton and Fitchburg Railroad in Framingham to city of Lowell.

May cross Boston and Lowell road, and connect with Lowell and Lawrence road at Tewksbury junction.

Capital stock and shares.

SECTION 3. The capital stock of said corporation shall not exceed fifteen hundred thousand dollars, and shall be divided into shares of one hundred dollars each, the number of which shall be determined from time to time by the directors thereof.

May enter upon and unite with other railroads.

SECTION 4. Said company is hereby authorized to enter with its railroad upon, unite the same with, and use the railroad of the Boston, Clinton and Fitchburg Railroad Company; and said Boston, Clinton and Fitchburg Railroad Com-

pany is hereby authorized to enter with its railroad upon, and unite the same with, and use the railroad of the said Framingham and Lowell Railroad Company, subject to the provisions of the general laws.

SECTION 5. This act shall take effect upon its passage, and shall be void unless said railroad shall be located within two years, and constructed within four years from the passage hereof.

To be located within two years and constructed within four years.

Approved March 23, 1870.

AN ACT CONCERNING THE ELECTION OF OFFICERS IN THE TOWN OF HOLLISTON.

Chap. 114

Be it enacted, &c., as follows :

SECTION 1. The election of town officers, made at the meeting of the town of Holliston, held on the seventh day of March, in the year eighteen hundred and seventy, so far as the same may appear to be illegal, for the reason that the check list was not used in the election of the moderator of said meeting, is hereby ratified and confirmed, and the same shall be taken and deemed good and valid in law to all intents and purposes whatsoever.

Election of town officers in Holliston legalized.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1870.

AN ACT RELATING TO THE MASSACHUSETTS AGENCY AT WASHINGTON, AND MAKING AN APPROPRIATION FOR CLOSING THE SAME.

Chap. 115

Be it enacted, &c., as follows :

SECTION 1. A sum not exceeding the unexpended balance amounting to two thousand one hundred and ninety dollars, of the appropriation made in chapter three of the acts of eighteen hundred and sixty-nine for the maintenance of the Massachusetts agency at Washington, may be expended, and the same is hereby appropriated for the closing up of said agency, which shall be done on or before the first day of July of the present year.

Agency at Washington to be closed July 1, 1870.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1870.

AN ACT TO REGULATE THE ERECTION OF WOODEN BUILDINGS IN THE SIXTEENTH WARD OF THE CITY OF BOSTON.

Chap. 116

Be it enacted, &c., as follows :

SECTION 1. The provisions of chapter two hundred and eighty of the acts of the year eighteen hundred and fifty, are hereby extended and made applicable to that part of the city of Boston constituting the sixteenth ward of the same, and formerly constituting the town of Dorchester.

Regulations concerning the erection of wooden buildings in sixteenth ward of Boston.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1870.

Chap. 117

AN ACT CONCERNING SUPERINTENDENTS OF SCHOOLS.

Be it enacted, §c., as follows :

Salary of superintendent of public schools to be fixed by school committee.

The school committee of any city or town, required to appoint a superintendent of public schools, shall have authority to determine the salary of such superintendent, anything in section thirty-five of chapter thirty-eight of the General Statutes to the contrary notwithstanding.

*Approved March 23, 1870.***Chap. 118**

AN ACT RELATING TO PUBLIC WATERING-PLACES IN TOWNS.

Be it enacted, §c., as follows :

Public watering places for horses and other animals may be maintained by permission of selectmen.

SECTION 1. The selectmen of any town where public convenience requires it, on the application of any person, may authorize such person, on his own land and in such manner as they may order, to construct and maintain within the limits of any highway in such town, or in any place conveniently accessible from such highway, a suitable watering-place for horses and other animals, to be used by the public ; and said selectmen, at any time when in their judgment such watering-place is no longer needed, or when public safety and convenience require it, may discontinue the same.

Compensation for maintaining watering-place.

SECTION 2. Any person maintaining a watering-place in any town, in accordance with the first section of this act, shall be paid by such town, such sum as said selectmen, in their order authorizing such watering-place, may determine, not exceeding five dollars a year, so long as the same is so maintained.

SECTION 3. This act shall take effect upon its passage.

*Approved March 23, 1870.***Chap. 119**

AN ACT TO AMEND SECTION TWELVE OF CHAPTER ONE HUNDRED AND FORTY-FIVE OF THE GENERAL STATUTES, RELATING TO INJUNCTIONS.

Be it enacted, §c., as follows :

Amendment to G. S. 145, § 12.

SECTION 1. Section twelve of chapter one hundred and forty-five of the General Statutes, is hereby so far amended that the injunction therein provided for may be issued by a single justice during vacation as well as in term time.

SECTION 2. This act shall take effect upon its passage.

*Approved March 23, 1870.***Chap. 120**

AN ACT TO AUTHORIZE JUSTICES OF THE PEACE TO ADMINISTER OATHS IN ANY COUNTY.

Be it enacted, §c., as follows :

Justices of peace may administer oaths in any county.

SECTION 1. Such oaths, as justices of the peace are, or may be, authorized to administer, may be administered by them in any county.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1870.

AN ACT TO INCORPORATE THE LAWRENCE IRISH BENEVOLENT SOCIETY. *Chap. 121*
Be it enacted, &c., as follows :

SECTION 1. Patrick Murphy, John Devine, Thomas Kennedy, Maurice Scanlen, Thomas Roche, Thomas Kennedy, Martin O'Sullivan, Patrick Meehan, Patrick Ford, James Murphy, their associates and successors, are hereby made a corporation by the name of the Lawrence Irish Benevolent Society in the city of Lawrence, for charitable and benevolent purposes; with all the rights and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The said corporation may own and hold real estate and personal property not exceeding in value fifty thousand dollars.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved March, 23, 1870.

AN ACT TO AUTHORIZE THE WALTHAM SAVINGS BANK TO HOLD REAL ESTATE. *Chap. 122*

Be it enacted, &c., as follows :

SECTION 1. The Waltham Savings Bank is hereby authorized to hold real estate to the amount of sixty thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building, to be used for banking purposes; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

May invest \$60,000 in a banking house.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1870.

AN ACT TO INCORPORATE THE AMHERST GAS LIGHT COMPANY. *Chap. 123*
Be it enacted, &c., as follows :

SECTION 1. Edward Dickinson, William S. Clark, Henry T. Hills, their associates and successors, are hereby made a corporation by the name of the Amherst Gas Light Company, for the purpose of manufacturing inflammable gas from coal, resin, petroleum or any of its products, and for selling the same in the town of Amherst; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are, or may hereafter be in force, relating to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value twenty-five thousand dollars. And the whole capital stock shall not exceed

Real estate.

Capital stock and shares.

fifty thousand dollars, divided in shares of one hundred dollars each.

May sink and repair pipes with consent of selectmen.

SECTION 3. Said corporation, with the consent of the selectmen of the town of Amherst, shall have power to open the ground in any street, lane or highway, in said town, for the purpose of sinking or repairing such pipes or conductors as may be necessary for the purpose aforesaid; and said corporation, after opening the ground in such streets, lanes or highway, shall be held and obliged to put the same ground into repair under the penalty of being prosecuted for a nuisance: *provided*, that the selectmen for the time being shall, at all times, have the power to regulate, restrict and control the acts and doings of said corporation which may in any manner affect the health, safety or convenience of the inhabitants of said town.

Proviso.

SECTION 4. This act shall take effect upon its passage.

Approved March 23, 1870.

Chap. 124

AN ACT TO AUTHORIZE THE SPRINGFIELD GAS LIGHT COMPANY TO INCREASE ITS CAPITAL STOCK AND TO HOLD ADDITIONAL REAL ESTATE.

Be it enacted, &c., as follows:

\$300,000 additional capital stock.

SECTION 1. The Springfield Gas Light Company is hereby authorized to increase its capital stock by an amount not exceeding three hundred thousand dollars, in addition to the amount heretofore authorized by law, at such times and in such sums as the stockholders may determine, to be divided into shares of one hundred dollars each.

Notice to be given to stockholders before new shares are issued.

SECTION 2. Whenever it shall be determined by the directors of said company to issue any new shares authorized by this act, they shall, before the issue of such shares, give notice in writing to all the stockholders, of such proposed issue, stating the amount of the same, and within sixty days after such notice the stockholders may take their proportion of such shares according to the number of shares in the capital stock owned by them severally at the date of such increase.

\$150,000 in real estate.

SECTION 3. Said company is hereby authorized to hold real estate to an amount not exceeding one hundred and fifty thousand dollars.

SECTION 4. This act shall take effect upon its passage.

Approved March 23, 1870.

Chap. 125

AN ACT TO INCORPORATE THE ROLLSTONE INSURANCE COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Alvah Crocker, Rodney Wallace, Nathaniel Wood, their associates and successors, are hereby made a corporation in the town of Fitchburg, by the name of the Rollstone Insurance Company, for the purpose of making

Name and purpose.

insurance against losses by fire, and also losses of inland navigation and transportation; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Powers and duties.

SECTION 2. Said corporation shall have a capital stock of two hundred thousand dollars, divided into shares of one hundred dollars each, and shall have liberty to increase said capital to five hundred thousand dollars: *provided* the same is paid in within three years from the passage of this act.

Capital stock and shares.

SECTION 3. Said corporation may commence business when two hundred thousand dollars shall have been subscribed, and one hundred thousand dollars paid in in cash.

When may commence business.

SECTION 4. Said corporation may hold real estate for its own use to an amount not exceeding ten per cent. of its paid-up capital.

Real estate.

SECTION 5.. This act shall take effect upon its passage.

Approved March 23, 1870.

AN ACT TO INCORPORATE THE NEW BEDFORD AND FAIRHAVEN STREET RAILWAY COMPANY.

Chap. 126

Be it enacted, &c., as follows:

SECTION 1. Andrew G. Pierce, Ward M. Parker, Pardon Tillinghast, Samuel P. Burt, their associates and successors,

Corporators.

are hereby made a corporation by the name of the New Bedford and Fairhaven Street Railway Company, with power to construct, maintain and operate a railway on and over any street or streets in said city of New Bedford and in the town of Fairhaven, and connect the same on any route or routes, with the right to cross on and over the bridge road connecting the said two places, with such line of said railway as said company may see fit; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relative to street railway corporations: *provided, however,* that said city and town, respectively, are hereby authorized and empowered to contract with said railway corporation concerning the construction, maintenance and operation of said railway, upon such terms as they may respectively agree with said railway corporation, any laws now existing to the contrary notwithstanding.

Name and purpose.

Powers and duties.

Proviso.

SECTION 2. The capital stock of said corporation shall be two hundred thousand dollars.

Capital stock.

SECTION 3. The New Bedford and Taunton Railroad Corporation is hereby authorized to subscribe for and hold shares in the capital stock of said New Bedford and Fairhaven Street Railway Company by the vote of its directors, but any

New Bedford and Taunton Railroad may take stock in road.

Proviso. individuals may have the right to subscribe for stock to the exclusion of said railroad corporation upon application or request within sixty days after public notice of the organization of the company.

Repeal. SECTION 4. Chapter one hundred and fifty-six and chapter two hundred and twenty-six of the acts of the year eighteen hundred and sixty-six are hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved March 23, 1870.

Chap. 127 AN ACT TO AUTHORIZE THE UNION RAILWAY COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, &c., as follows :

May increase capital stock.

Par value of shares to be \$100, and whole amount paid in in cash.

SECTION 1. The Union Railway Company is hereby authorized to increase its capital stock to the amount of two hundred thousand dollars: *provided*, that any such additional stock shall be divided into shares of one hundred dollars each, and that the par value of each share shall be paid in in cash, whenever any increase shall take place.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1870.

Chap. 128 AN ACT TO AMEND AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING THE NORTHAMPTON AND SHELburnE FALLS RAILROAD.

Be it enacted, &c., as follows :

Amendment to 1869, 239, § 2.

SECTION 1. Section two of chapter two hundred and thirty-nine of the acts of the year eighteen hundred and sixty-nine is hereby amended, by adding at the end thereof the words, and with their associates and successors.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1870.

Chap. 129 AN ACT TO AUTHORIZE THE EASTERN RAILROAD COMPANY TO BUILD A BRANCH RAILROAD, AND TO AUTHORIZE THE TOWN OF ESSEX TO AID IN THE CONSTRUCTION OF THE SAME.

Be it enacted, &c., as follows :

Eastern Railroad may build branch road from Essex to Wenham, or from Essex to the Gloucester Branch Railroad.

SECTION 1. The Eastern Railroad Company are hereby authorized to locate, construct and maintain a branch railroad, commencing at some convenient point in the town of Essex, and thence running through portions of the towns of Ipswich, Hamilton and Wenham, or either of them, to some convenient point on the Eastern Railroad, near the twenty-second mile-post, or to such other point of connection as may be found most suitable; or, commencing at such convenient point in said town of Essex, and thence running through portions of the towns of Hamilton, Manchester and Beverly, or either of them, to some convenient point on the Gloucester

branch of said Eastern Railroad, with the right, in either case, to cross Mill Creek, in the town of Essex.

SECTION 2. The Eastern Railroad Company is hereby authorized to increase its capital stock to such an amount as may be necessary to build said branch railroad, not exceeding in all, one hundred and fifty thousand dollars

—may increase capital stock \$150,000.

SECTION 3. The town of Essex is hereby authorized to raise by loan or taxation, such sum of money, as it may deem expedient, not exceeding the sum of fifty thousand dollars, and may appropriate the same to aid in the construction of said branch railroad: *provided*, that two-thirds of the legal voters present, at a legal town meeting duly called for this purpose, within thirty days from the passage of this act, shall by written ballot vote so to do, in taking which vote the check list shall be used.

Town of Essex may raise \$50,000 by loan, and appropriate it in aid of road.

Proviso.

SECTION 4. Said town of Essex may make such contract with the Eastern Railroad Company, for the purposes mentioned in the preceding section, as it may deem proper and necessary, and may raise money by loan or taxation to carry the same into effect, not exceeding the amount named in the preceding section.

—may contract with Eastern Railroad.

SECTION 5. This act shall not take effect unless it shall be accepted by the Eastern Railroad Company at a meeting called for the purpose within four months after the passage of this act.

Act not to take effect unless accepted by Eastern Railroad within four months.

SECTION 6. If the Eastern Railroad Company shall accept this act as provided in the preceding sections, said company shall file a location of said branch railroad within three months from the time of acceptance of this act, and when said branch railroad shall be constructed and opened for use as herein provided, then chapter one hundred and eighty-three of the acts of the year eighteen hundred and sixty-nine, incorporating the Essex Branch Railroad Company, shall become void.

Location to be filed within three months.

Approved March 23, 1870.

AN ACT TO AUTHORIZE THE PROVIDENCE AND WORCESTER RAILROAD COMPANY TO RE-LOCATE CERTAIN STATIONS IN MILLBURY.

Chap. 130

Be it enacted, &c., as follows:

SECTION 1. The Providence and Worcester Railroad Company is hereby authorized to re-locate its passenger station and freight depots in the town of Millbury, as the board of railroad commissioners shall recommend.

Depots in Millbury to be re-located under direction of railroad commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1870.

Chap. 131 AN ACT TO AUTHORIZE THE HOME FOR AGED MEN TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, &c., as follows:

\$150,000 additional real estate.

SECTION 1. The Home for Aged Men is hereby authorized to hold real and personal estate, for the purposes named in its act of incorporation, to an amount not exceeding one hundred and fifty thousand dollars, in addition to the amount it is now authorized to hold.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1870.

Chap. 132 AN ACT TO INCORPORATE THE COMMONWEALTH INSURANCE COMPANY OF BOSTON.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Henry Smith, Charles A. Stevens, Elijah B. Stoddard, their associates and successors, are hereby made a corporation by the name of the Commonwealth Insurance Company, in the city of Boston, for the purpose of making insurance against losses by fire; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Name and purpose.

Powers and duties.

Capital stock and shares.

SECTION 2. Said corporation shall have a capital stock of two hundred thousand dollars, divided into shares of one hundred dollars each. It shall have liberty to pay in and increase the said capital stock to an amount not exceeding five hundred thousand dollars: *provided*, any increase of capital is paid in in cash within three years from the passage of this act.

Directors may give policy-holders share of profits.

SECTION 3. A majority of the board of directors of the company may, at their discretion, at any time give the holders of the policies of the company the right to participate in the net profits of the company, to such an extent and in such manner, and upon such terms and conditions as they shall prescribe in their by-laws.

When may commence business.

SECTION 4. Said corporation may commence business when one hundred thousand dollars shall have been subscribed and paid in, in cash.

SECTION 5. This act shall take effect upon its passage.

Approved March 31, 1870.

Chap. 133 AN ACT TO INCORPORATE THE SOUTHWORTH COTTON MANUFACTURING COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Constant A. Southworth, Lemuel Pratt, John Q. Adams, their associates and successors, are hereby made a corporation by the name of the Southworth Cotton Manufacturing Company, to be located in Quincy, for the manufac-

Name and purpose.

ture of cotton cloths and threads; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to manufacturing corporations.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of one hundred thousand dollars. The whole capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each: *provided, however,* that said corporation shall not go into operation until the sum of one hundred thousand dollars of its capital stock has been paid in in cash.

SECTION 3. This act shall take effect upon its passage.

Approved March 31, 1870.

AN ACT CONCERNING THE PROTESTANT EPISCOPAL SOCIETIES OF MALDEN. Chap. 134

Be it enacted, &c., as follows:

SECTION 1. The two Protestant Episcopal societies of the town of Malden, known respectively as Grace Church, organized on the twelfth day of May, in the year eighteen hundred and sixty-two, and Saint Paul's Church, organized on the twenty-second day of April, in the year eighteen hundred and sixty-seven, are hereby combined into one society under the name of "Saint Paul's Church and Parish."

SECTION 2. All conveyances heretofore made to the said Grace Church are hereby confirmed to said Saint Paul's Church and Parish, and all personal property now belonging to said Grace Church is hereby vested in and confirmed to said Saint Paul's Church and Parish.

SECTION 3. This act shall be void unless accepted by both of said societies within sixty days from its passage.

SECTION 4. This act shall take effect upon its passage.

Approved March 31, 1870.

AN ACT TO INCORPORATE THE BOSTON NORTH END MISSION. Chap. 135

Be it enacted, &c., as follows:

SECTION 1. Nathaniel B. Shurtleff, Ezra Farnsworth, Eben Tourjée, their associates and successors, are hereby made a corporation by the name of the Boston North End Mission, to be located in the city of Boston, for the purpose of promoting the spiritual welfare and improving the social and moral condition of the vicious and degraded portion of the community; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporation.

Real and personal estate.

SECTION 2. Said corporation may hold real and personal estate not exceeding fifty thousand dollars in value, for the aforesaid purposes.

SECTION 3. This act shall take effect upon its passage.

Approved March 31, 1870.

Chap. 136

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE MASSACHUSETTS INFANT ASYLUM.

Be it enacted, &c., as follows :

Notice of reception of infant by Massachusetts Infant Asylum to be given to board of State charities.

SECTION 1. Whenever an infant having no known settlement in this Commonwealth, shall be received by the Massachusetts Infant Asylum, agreeably to the provisions of the act incorporating the same, immediate notice shall be given in writing, of such reception, to the board of state charities, by the directors of said asylum, or by their direction, and said board shall have authority to examine the case and remove such infant, if they consider such removal expedient. The expense incurred by said asylum for the support of such infant, after the bills for the same shall have been approved by the board of state charities, or by the person designated by them to audit the same, shall be reimbursed by the Commonwealth to an amount not exceeding four dollars per week for each infant: *provided, however,* that the Commonwealth shall be under no obligation to reimburse said asylum for any expense incurred for the support of any such infant for a period of more than one week prior to the giving of the notice provided for in this act.

Expense of support of infant to be reimbursed by Commonwealth.

Proviso.

Authority of board of State charities.

SECTION 2. The authority of the board of state charities, as to any infant, mentioned in the foregoing section, shall be the same that said board now has, as to infants in the state almshouses.

SECTION 3. This act shall take effect upon its passage.

Approved March 31, 1870.

Chap. 137

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND MILEAGE OF MEMBERS OF THE LEGISLATURE, AND FOR THE COMPENSATION OF THE CHAPLAINS, DOORKEEPERS, MESSENGERS AND PAGES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Be it enacted, &c., as follows :

Appropriations authorized.

SECTION 1. The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to wit:

Senators, compensation.

For the compensation of senators, a sum not exceeding ten thousand dollars in addition to the amount heretofore appropriated for the present session.

For the compensation of representatives, a sum not exceeding twenty-seven thousand dollars in addition to the amount heretofore appropriated for the present session.

Representatives.

For the compensation of the chaplains of the senate and house of representatives, a sum not exceeding two hundred dollars in addition to the amount heretofore appropriated for the present session.

Chaplains.

For the compensation of the doorkeepers, messengers and pages of the senate and house of representatives, a sum not exceeding three thousand six hundred dollars in addition to the amount heretofore appropriated for the present session.

Doorkeepers, messengers, &c.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1870.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE SPRINGFIELD
AQUEDUCT COMPANY.

Chap. 138

Be it enacted, &c., as follows :

SECTION 1. The Springfield Aqueduct Company is hereby authorized to enlarge, increase and improve its water-sources, aqueducts, property and works, with a view to providing an increased supply of pure water for public and private uses in the city of Springfield ; and for that purpose it may take and hold, by purchase or otherwise, such ponds, springs, streams, water-sources and the waters thereof within the limits of said city, and such lands under and around the same, as may be necessary, excepting within a district lying south of the location of the Boston and Albany Railroad and within two miles of Main street: *provided*, that said aqueduct company shall take no lands now owned by said railroad corporation, nor take or interfere with any water or springs in or upon the same ; and *provided, further*, that said aqueduct company shall not take or interfere with, any springs or water-sources connected with any aqueduct owned and now used by private parties for domestic purposes, excepting such springs or water-sources as are already secured by law to said company.

May increase and improve water-works.

SECTION 2. Said company, for the purpose of using the water taken as aforesaid, may erect and maintain dams and reservoirs, pipes and aqueducts, and connect the same with the pipes now laid or which may hereafter be laid by said company ; and may take, by purchase or otherwise, any lands which may be necessary therefor : providing, that this act shall not be so construed as to give the company any right to dig up or occupy the streets of said city in addition to the rights which it now has.

May erect dams, reservoirs, &c.

SECTION 3. Said company shall within sixty days after taking any springs, streams, ponds, sources of water or lands

To file description of springs, &c., taken,

within sixty days.

under the provisions of this act, file in the registry of deeds for the county of Hampden a description thereof sufficiently accurate for identification.

Damages to be determined as in case of land taken for highways.

SECTION 4. All damages occasioned under the operation of this act, claimed by any person or corporation, shall be ascertained, determined and recovered in the manner, and within the time provided by law in case of land taken for highways, unless the persons or corporation and the said company can agree upon the amount of such damages.

\$100,000 additional capital stock.

SECTION 5. Said corporation is hereby authorized to increase its capital stock by adding thereto one hundred thousand dollars.

SECTION 6. This act shall take effect upon its passage.

Approved March 31, 1870.

Chap. 139

AN ACT TO INCORPORATE THE AMERICAN WATER METER COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Jacob W. Pierce, Thomas Parsons, B. F. Nourse, G. H. Ashcroft, their associates and successors, are hereby made a corporation in the city of Boston, by the name of the American Water Meter Company, for the purpose of purchasing water meter letters patent, and selling rights under the same, and for manufacturing and selling water meters ; with all the privileges and rights, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Name and purpose.

Powers and duties.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall be forty-eight thousand dollars, with the right to increase the same to the amount of two hundred thousand dollars, and shall be divided into shares of the par value of one hundred dollars each. Said corporation shall not commence operations until twenty-five thousand dollars has been paid in in cash, and shall issue no shares of stock until the par value of the same shall have been paid into the treasury of the corporation in cash.

SECTION 3. This act shall take effect upon its passage.

Approved March 31, 1870.

Chap. 140

AN ACT TO INCORPORATE THE SALEM FOUNDRY AND MACHINE SHOP.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Charles A. Ropes, Joseph H. Leavitt, John Kilburn, their associates and successors, are hereby made a corporation by the name of the Salem Foundry and Machine Shop, for the manufacture and sale of machinery, steam-boilers and castings, in the city of Salem ; with all the powers and privileges, and subject to all the duties, restric-

Name and purpose.

Powers and duties.

tions and liabilities set forth in all general laws which now are or hereafter may be in force relating to manufacturing corporations.

SECTION 2. The whole capital stock of said corporation shall not exceed the sum of one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and it may hold real and personal estate necessary for the purposes aforesaid not exceeding that amount: *provided, however*, that said corporation shall not go into operation until the sum of twenty-five thousand dollars of its capital stock shall be paid in in cash.

Capital stock and shares.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved March 31, 1870.

AN ACT TO INCORPORATE THE CITY FIVE CENTS SAVINGS BANK, IN
HAVERHILL.

Chap. 141

Be it enacted, &c., as follows :

SECTION 1. W. R. Whittier, Moses How, Levi Taylor, S. D. Evans, L. C. Wadleigh, their associates and successors, are hereby made a corporation by the name of the City Five Cents Savings Bank, to be located in Haverhill; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to savings banks and institutions for savings.

Corporators.

Name and purpose.
Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1870.

AN ACT TO INCORPORATE THE YOUNG MEN'S CHRISTIAN ASSOCIATION
OF LYNN.

Chap. 142

Be it enacted, &c., as follows :

SECTION 1. Jabez Wood, Benjamin K. Prentiss, Owen Dame, their associates and successors, are hereby made a corporation by the name of the Young Men's Christian Association of Lynn, to be located in the city of Lynn, for the purpose of improving and promoting the spiritual welfare and mental culture of young men; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold real and personal estate, not exceeding fifty thousand dollars in value, for the purposes aforesaid.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved March 31, 1870.

Chap. 143 AN ACT TO INCORPORATE THE YOUNG MEN'S CATHOLIC TEMPERANCE SOCIETY OF SALEM.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 1. Patrick Scully, Michael O'Flaherty, John Powers, their associates and successors, are hereby made a corporation by the name of The Young Men's Catholic Temperance Society of Salem, for the purpose of promoting temperance among its members, by establishing a reading-room and library, and by other suitable means ; and also for the purpose of relieving and supporting indigent members in times of sickness. Said corporation shall be subject to all the duties, restrictions and liabilities, and shall be entitled to all the rights and privileges prescribed by the sixty-eighth chapter of the General Statutes, so far as the provisions of said chapter are applicable thereto.

SECTION 2. The said corporation may hold real and personal estate, to be used for its corporate purposes, to an amount not exceeding fifty thousand dollars in value.

SECTION 3. This act shall take effect upon its passage.

Approved March 31, 1870.

Chap 144 AN ACT IN RELATION TO THE RETURNS OF CERTAIN CORPORATIONS TO THE TAX COMMISSIONER.

Be it enacted, &c., as follows :

Corporations to make returns to tax commissioner.

Tax commissioner to transmit lists to assessors.

Penalty for not making returns.

SECTION 1. Every corporation established within this Commonwealth by special charter, or organized under the general laws thereof, which holds on the first day of May, in any year, shares of stock in corporations other than those subject to taxation under the provisions of chapter two hundred and eighty-three, of the acts of the year one thousand eight hundred and sixty-five, and acts in amendment thereof, or bonds of any description, as collateral security for borrowed money, or other liability, shall annually, between the first and tenth day of May, return to the tax commissioner the whole number of such shares and bonds so held, the names and residences of the persons pledging the same, and the number, denomination and the par value and cash market value, if known, of the shares and bonds pledged by each ; and the tax commissioner shall, on or before the twentieth day of June in each year, transmit to the assessors of the several cities and towns of the Commonwealth, a true copy of the list furnished by such corporations.

SECTION 2. Any corporation neglecting or refusing to make the returns required by this act, or wilfully making a return which is materially false or defective, shall forfeit for each offence a sum of not less than fifty, nor more than one thousand dollars, to be recovered by an action of tort to the

use of the city or town in which the person pledging such stock or bonds resides.

SECTION 3. Chapter four hundred and forty-four, of the acts of the year eighteen hundred and sixty-nine is hereby repealed.

Approved April 2, 1870.

AN ACT RELATING TO OATHS OF EXECUTORS, ADMINISTRATORS, GUARDIANS AND TRUSTEES IN PROBATE PROCEEDINGS.

Chap. 145

Be it enacted, &c., as follows :

SECTION 1. The twenty-seventh section of the one hundred seventeenth chapter of the General Statutes is hereby so far amended that the provisions of the twenty-eighth section of said chapter shall apply to oaths, which an executor, administrator, guardian or trustee is required to make to an account: *provided*, that the judge of the probate court may in any case require such oaths to be taken before him in open court.

Amendment to G. S. 117, § 27.

Oaths may be required to be taken in open court.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1870.

AN ACT TO CHANGE A BOUNDARY LINE BETWEEN BOSTON AND WEST ROXBURY.

Chap. 146

Be it enacted, &c., as follows :

SECTION 1. That hereafter the southerly instead of the northerly side of Seaver street in West Roxbury shall be the division line on said street between said West Roxbury and the city of Boston—that the westerly side of Brush-hill avenue, from Seaver street to Back street, and the westerly side of Back street to the Hyde Park line, shall be the division line between said city and town of West Roxbury. And the territory hereby set to Boston, shall be a part of the county of Suffolk, and the territory hereby set to West Roxbury shall be a part of the county of Norfolk.

Division line between Boston and West Roxbury.

SECTION 2. The inhabitants hereby set off to West Roxbury shall continue to be a part of Boston, and the inhabitants hereby set off to Boston shall continue to be a part of West Roxbury for the purpose of electing state officers, councillors, senators and representatives to the general court, representatives to congress, and electors of president and vice-president of the United States, until the next decennial census shall be taken, or until another apportionment of representatives to the general court shall be made; but at all other elections the voters thus set off to West Roxbury may therein exercise the elective franchise, and the voters thus set off to Boston may therein exercise the elective franchise; and it shall be the duty of the selectmen of West Roxbury to make a true list of the persons residing on the territory

Election of State and federal officers.

Lists of voters

hereby annexed to said town, qualified to vote at such elections, and post the same in said territory and correct the same as required by law, and deliver the same to the city clerk of Boston, ten days at least before any such election, in the same manner as if it had been prepared by themselves, and the board of aldermen of Boston in like manner shall make a true list of the persons residing on the territory hereby annexed to said city, entitled to vote at such elections, and post up the same, and correct and deliver the same to the selectmen of West Roxbury, in like manner as is herein before provided in regard to the territory, annexed to West Roxbury, and the list thus made shall be taken and used by the selectmen of West Roxbury for any election in the same manner as if it had been prepared by themselves.

SECTION 3. This act shall take effect upon its passage.

Approved April 2, 1870.

Chap. 147

AN ACT TO INCREASE THE SCHOOL COMMITTEE OF THE CITY OF LYNN.

Be it enacted, &c., as follows :

School committee to consist of one from each ward, twelve at large, &c.

Terms of office.

Committee for the current year.

Repeal.

SECTION 1. The school committee of the city of Lynn shall consist of one member from each ward of said city, who shall be a resident of, and be chosen annually by, the voters of such ward, and of twelve members resident in said city, who shall be chosen in the manner hereinafter provided, and of the mayor and president of the common council, who shall be *ex officio* members of said committee. Said twelve members shall be chosen at the next annual election of city officers, four of those elected to hold office for one year, four to hold for two years, and four to hold for three years; and thereafter, four shall be elected annually to hold office for the term of three years, and until others are chosen in their place.

SECTION 2. The mayor and aldermen and the present board of school committee may choose, in the manner prescribed by law, for filling vacancies in school committees, seven persons, who, together with the present members of the committee, shall constitute the school committee for the current year.

SECTION 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved April 2, 1870.

Chap. 148

AN ACT TO AMEND THE CHARTER OF THE CITY OF LOWELL.

Be it enacted, &c., as follows :

Mayor to be elected for two years.

One-half aldermen and com-

SECTION 1. At the next annual election for municipal officers of the city of Lowell, a mayor shall be chosen, to serve for the term of two years; one half of the board of

aldermen shall be chosen to serve for the term of one year, and one half for two years; one half of the common council from each ward shall be chosen to serve for the term of one year and one half for two years. At each annual election thereafter, one half of the board of aldermen and one half of the common council from each ward shall be elected for two years, and the mayor shall be elected every alternate year.

mon council to be elected alternate years.

SECTION 2. The mayor of said Lowell shall be compensated by a salary which shall not exceed twenty-five hundred dollars.

Salary of mayor.

SECTION 3. On the Tuesday next after the first Monday of November next, a meeting of the legal voters of said city shall be duly warned and called by the mayor and aldermen of said city, for the purpose of voting upon the acceptance of this act, and the same shall be void unless accepted by a majority of the legal voters present and voting at said meeting.

Subject to acceptance by legal voters.

Approved April 2, 1870.

AN ACT RELATING TO THE SERVICE OF CIVIL PROCESS BY CONSTABLES.
Be it enacted, &c., as follows :

Chap. 149

SECTION 1. Section sixty-one of chapter eighteen of the General Statutes is hereby amended by striking out the words "five hundred" in the second and third lines, and inserting in their stead the words one thousand, and by striking out the word "one" wherever it occurs in the eighth and tenth lines of said section, and inserting instead thereof the word two.

Amendment to G. S. 18, § 61.

SECTION 2. This act shall take effect upon the first day of May next.

Approved April 2, 1870.

AN ACT RELATING TO THE STATE LIBRARY.
Be it enacted, &c., as follows :

Chap. 150

SECTION 1. The trustees of the state library are hereby authorized to deposit, for safe keeping and use, any duplicate volumes which are now in said library, or which may hereafter come to it, in any public town, city, or college library in this Commonwealth, upon such terms and conditions as they shall deem for the best interest of the Commonwealth.

Trustees of State library may deposit duplicate volumes in public libraries, &c.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1870.

AN ACT CONCERNING WITNESS AND OTHER FEES.
Be it enacted, &c., as follows :

Chap. 151

SECTION 1. The fees for attending as a witness in a civil cause, in the supreme judicial court, superior court, or probate courts, shall be one dollar and fifty cents a day.

Fees of witnesses in civil causes.

Travel of witnesses.

SECTION 2. The fees for travel of witnesses, in all causes, before any court or other tribunal authorized to require the attendance of witnesses, shall be five cents a mile, out and home.

Term fee allowed to parties recovering costs in civil causes before justices of peace, &c.

SECTION 3. Parties recovering costs in civil causes before justices of the peace, or in municipal or police courts, shall be allowed one term fee, of one dollar and twenty-five cents, in addition to the costs now allowed by law.

Approved April 2, 1870.

Chap. 152 AN ACT TO AUTHORIZE THE CITY OF HAVERHILL TO PAY CERTAIN ADDITIONAL BOUNTIES.

Be it enacted, &c., as follows :

Haverhill may raise money for payment of certain soldiers' bounties.

SECTION 1. The city of Haverhill is hereby authorized to raise a sum of money sufficient to pay to each soldier, or in case of death, to the heirs of such soldier who enlisted upon the quota of the town of Haverhill, between August twenty-first and September third, in the year eighteen hundred and sixty-four, in company "M," fourth regiment of Massachusetts heavy artillery, such an amount as shall, in addition to the bounty already received by said soldier for such enlistment, equal the sum of three hundred and seventeen dollars and thirty-eight cents.

Sum raised to be assessed in next annual assessment. Proviso.

SECTION 2. The sum authorized to be raised by the first section of this act, shall be assessed at the next annual assessment of said city: *provided*, a majority of the legal voters of said city, actually voting at a meeting duly called for the purpose, shall, by ballot, accept the provisions of this act.

Approved April 2, 1870.

Chap. 153 AN ACT TO DEFINE THE BOUNDARY LINE BETWEEN WAKEFIELD AND LYNNFIELD.

Be it enacted, &c., as follows :

Line between Wakefield and Lynnfield to be established by commissioners.

SECTION 1. The boundary line between the town of Wakefield and the town of Lynnfield shall be established and confirmed by three commissioners as agreed upon by the said towns of Wakefield and Lynnfield, and as hereinafter named.

Commissioners, their powers and duties.

SECTION 2. Said commissioners shall consist of the following named persons, to wit: Paul H. Sweetser, of Wakefield, and John Perkins and George L. Hawkes, of Lynnfield, who shall have full power to define the boundary between the aforesaid towns, and to erect suitable monuments, the expense of which shall be borne by the towns of Wakefield and Lynnfield.

—to make returns of their doings within six months.

SECTION 3. Said commissioners shall make return of their doings under this act, to the clerks of the towns of Wakefield

and Lynnfield, and to the secretary of the Commonwealth, within six months from the passage of this act.

SECTION 4. This act shall take effect upon its passage.

Approved April 2, 1870.

AN ACT TO UNITE THE TOWNS OF SALISBURY AND AMESBURY AND
TO INCORPORATE THE TOWN OF MERRIMAC.

Chap. 154

Be it enacted, &c., as follows :

SECTION 1. From and after the first Monday of March in the year one thousand eight hundred and seventy-one, the corporate powers of the towns of Salisbury and Amesbury, in the county of Essex, as separate towns, shall cease to exist, and all the territory comprised within the limits of said two towns shall constitute one town by the name of Merrimac, with all the corporate powers and privileges, duties, liabilities and restrictions belonging to towns under the constitution and laws of this Commonwealth, and having for its boundary lines the same lines which have heretofore formed the boundaries of the two towns, except that line by which they have been separated ; and all persons having gained or derived a settlement within either of said towns of Salisbury or Amesbury, shall be deemed to have such settlement within said town of Merrimac.

Salisbury and
Amesbury
united under
the name of
Merrimac.

SECTION 2. All the property, uncollected taxes and assets, held by each of said towns of Salisbury and Amesbury when this act takes effect, shall become the property and assets of, and all debts due from said towns at that time shall become debts due from, said town of Merrimac : *provided, however*, that a fair and impartial valuation of said property and assets of each of said towns shall be made ; and also the true amount of the indebtedness of each shall be ascertained, and the amount of the assets of each shall be deducted from their indebtedness, and any excess of indebtedness of either town over the other shall be assessed upon and paid by the inhabitants and estates of the town where such excess shall be found to exist ; and said sum shall be assessed by the assessors, and collected by the collector of said town of Merrimac, and paid to the treasurer of said town, as in the case of other town taxes.

All property
and debts trans-
ferred to Merri-
mac.

Proviso.

The valuation of said property and assets, and the amount of the indebtedness of said towns shall be ascertained by the boards of selectmen of the two towns for the current year in joint meeting ; and in case of their disagreement, or failure to do so before this act takes effect, then the selectmen of said town of Merrimac shall make application to the superior court for the county of Essex, at its first sitting thereafter ; and said court is hereby authorized, and shall appoint three

Property, &c.,
to be ascer-
tained by sel-
ectmen of the
two towns in
joint meeting.
In case of dis-
agreement, su-
perior court to
appoint com-
missioners.

disinterested persons, who shall determine said valuation and indebtedness, and may hear the parties upon any matters of disagreement relating to the affairs of the two towns, and make award thereon; which award, when accepted by the court, shall be final.

United valuations to be valuation of Merrimac until next State valuation. Election districts.

SECTION 3. The united valuations of said towns of Salisbury and Amesbury, as fixed by the last decennial state valuation, shall be held to be the valuation of said town of Merrimac, until the next state valuation; and said town of Merrimac shall constitute a part of the same election districts to which said towns of Salisbury and Amesbury now belong until a new apportionment and division of election districts is made.

Support of paupers.

SECTION 4. All paupers being relieved or supported by said towns of Salisbury and Amesbury, when this act takes effect, shall receive such relief or support thereafter from said town of Merrimac.

Collection of taxes.

SECTION 5. All taxes remaining uncollected in either of said towns, when this act takes effect, shall be collected by any duly authorized collector of taxes in said town of Merrimac, in the same manner as is provided by law for the collection of taxes; and said collector shall account for, and pay the same to, the treasurer of said town of Merrimac.

Records, property, &c., to be delivered to selectmen of Merrimac.

SECTION 6. The boards of selectmen, assessors, overseers of the poor and school committee, and the town clerks, treasurers, collectors of taxes, surveyors of highways, and all other town officers or committees of said towns of Salisbury and Amesbury, shall, within three days after this act takes effect, deliver all records, books, deeds, vouchers, moneys, tax-bills, papers, and property belonging to said towns, and in the possession of any of said officers, respectively, to the selectmen of said town of Merrimac; and said selectmen shall pass said records, books, deeds, vouchers and property into the possession of such town officers of said town of Merrimac as are by law properly entitled to their custody.

Town meeting to be called by joint warrant of selectmen of Salisbury and Amesbury.

SECTION 7. The selectmen of the two towns of Salisbury and Amesbury for the current year, by a joint warrant under their official signatures, directed to a constable of each of said towns, shall call a town meeting of said town of Merrimac, to be holden on the first Monday of March in the year one thousand eight hundred and seventy-one, for the purpose of choosing all usual and necessary town officers for the year ensuing, and transacting all business usually done at the annual March or April town meetings in this Commonwealth, and to pass upon any matters which may be deemed expedient for the purpose of carrying out the provisions of this act

which warrant shall be posted in the usual places for posting town meeting warrants in each of said towns, fourteen days at least before the time for holding said meeting; and said warrants shall be certified in manner as is provided by law, and returned to said boards of selectmen at the time and place of said meeting; and the senior chairman of said boards present shall call said meeting to order, and preside until the election of a town clerk and moderator; and said boards of selectmen shall prepare a list of the qualified voters in their respective towns, which list shall be used in said meeting as is required by law in town elections.

SECTION 8. This act shall not take effect unless the inhabitants of said towns of Salisbury and Amesbury, respectively, qualified to vote in town affairs, shall accept the same at a legal town meeting called for that purpose, by a majority of the voters present and voting thereon; which meeting shall be held in each of said towns on the third Monday of June, in the year eighteen hundred and seventy; and the vote shall be expressed by a written or printed ballot of *yea* or *nay*, and the check-list shall be used as in the election of town officers.

Subject to acceptance by voters of both towns.

Approved April 2, 1870.

AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO ISSUE ADDITIONAL WATER AND SEWER SCRIP.

Chap. 155

Be it enacted, &c., as follows:

SECTION 1. For the purpose of defraying all costs and expenses incurred, or to be incurred, under the authority of chapter one hundred and four of the acts of the year eighteen hundred and sixty-four, the city council of the city of Worcester shall have authority to borrow, from time to time, such sums of money, and to issue notes, bonds or certificates therefor, to be denominated on the face thereof, "Worcester Water Scrip," as they shall deem necessary, to an amount not exceeding three hundred thousand dollars, in addition to the amount heretofore authorized for said purpose, upon the same terms and conditions, and with the same authority in regard to interest, and the sale or pledge of said scrip, and the payment of the principal thereof, and the appropriation and assessment of money for the payment of the principal and interest of the moneys so borrowed, as are contained in section five of the act aforesaid.

"Worcester Water Scrip."
\$300,000 additional may be issued.

SECTION 2. For the purpose of defraying all costs and expenses incurred, or to be incurred, under the authority of chapter one hundred and six of the acts of the year eighteen hundred and sixty-seven, the city council of said city shall have authority to borrow, from time to time, such sums of money, and to issue notes, bonds or certificates therefor, to be

"Sewer Scrip of the City of Worcester."
\$250,000 additional may be issued.

denominated "Sewer Scrip of the City of Worcester," as they shall deem necessary, to an amount not exceeding two hundred and fifty thousand dollars, in addition to the amount heretofore authorized for said purpose, and redeemable in not less than ten years from and after the date thereof.

SECTION 3. This act shall take effect upon its passage.

Approved April 2, 1870.

Chap. 156

AN ACT TO INCORPORATE THE WALES SAVINGS BANK.

Be it enacted, §c., as follows :

Corporators.

SECTION 1. Elijah Shaw, Warren Shaw, F. L. Burley, their associates and successors, are hereby made a corporation by the name of the Wales Savings Bank, to be located in the town of Wales; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force, applicable to savings banks and institutions for savings.

Name.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1870.

Chap. 157

AN ACT TO AUTHORIZE THE BOSTON PENNY SAVINGS BANK TO HOLD ADDITIONAL REAL ESTATE.

Be it enacted, §c., as follows :

\$25,000 additional real estate.

SECTION 1. The Boston Penny Savings Bank is hereby authorized to hold real estate in addition to the amount now authorized by law, to the amount of twenty-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1870.

Chap. 158

AN ACT TO REVIVE THE CHARTER OF THE CAPE COD MUTUAL FIRE INSURANCE COMPANY.

Be it enacted, §c., as follows :

Charter revived.

SECTION 1. Chapter eighty-three of the acts of the year eighteen hundred and sixty-three, entitled an act to incorporate the Cape Cod Mutual Fire Insurance Company, is hereby revived, and the corporation therein named, may be organized within two years from the passage of this act.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1870.

Chap. 159

AN ACT RELATING TO THE OAK BLUFFS LAND AND WHARF COMPANY.

Be it enacted, §c., as follows :

May erect hotel, &c., in Edgartown.

SECTION 1. The Oak Bluffs Land and Wharf Company is hereby authorized to build on its land at Oak Bluffs, in Edgartown, a hotel, and to carry on the same, and to erect such other buildings, and to hold such personal property as

said company may deem necessary ; and may charter, purchase, or build one or more steamboats, and run the same to and from said Oak Bluffs. May charter or build steamboats.

SECTION 2. This act shall take effect upon its passage

Approved April 2, 1870.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE SPOT POND
WATER COMPANY.

Chap. 160

Be it enacted, &c., as follows :

SECTION 1. The purchase of the franchise, property, rights and privileges of the Spot Pond Water Company by the towns of Melrose, Malden and Medford, and the transfer and conveyance thereof by said corporation to said towns, is hereby ratified and confirmed ; and said towns may take and hold the waters of Spot Pond, so called, situated in the towns of Stoneham and Medford, and the waters which flow into and from the same, and may convey the same through the town of Stoneham, so far as may be necessary, and to, into and through the towns of Melrose, Malden and Medford. For this purpose, said towns may each construct an aqueduct, and any two, or all of them, if they so agree, may unite and jointly construct aqueducts, from the source above mentioned, through any part of the towns aforesaid, and may maintain the same by suitable works, may make reservoirs and hydrants, and may distribute the water throughout said towns of Melrose, Malden and Medford by laying down pipes, and may each from time to time establish prices or rents for the supply or use of such water within its own limits ; and for this purpose shall, in addition to the rights already conferred upon said towns, and whether acting separately or in conjunction, have, exercise and enjoy all the powers, rights and authority conferred upon the Spot Pond Water Company by the act to which this act is in addition ; subject to the limitations, obligations and restrictions in said act contained, except as is herein otherwise provided, and except the limitations contained in the third section of said act. But in case two separate aqueducts shall be constructed from said pond,—one from the north-easterly side of the pond, through Melrose and Malden, and one from the southerly side of the pond to Medford,—said town of Medford shall lay down from its main a pipe of not less than eight inches in diameter, to the line of Malden, at the junction of Salem Street in said Medford and Pleasant Street in said Malden ; and said town of Malden shall lay down, from its main to the same point, a pipe of not less than eight inches in diameter, which two pipes shall there unite : *provided*, that in case it shall at any time appear to a commission appointed as provided in the

Purchase of Spot Pond Water Company by Melrose, Malden and Medford, confirmed and ratified.

Towns may construct aqueducts, reservoirs and hydrants.

—may establish prices for use of water.

Provisions in case two separate aqueducts are constructed.

Proviso.

fourth section of this act, that the supply of water to either of said towns is impaired by reason of such open connection, so that either town does not receive its full proportion of one-third of the water, said commission may make such orders as to closing such connection entirely or for a portion of the time, as may be required to secure to said town the supply and head of water unimpaired thereby.

Towns may take land by purchase or otherwise.

SECTION 2. Said towns, and each of them, may, for the purpose of this act, and the act to which this act is in addition, take by purchase or otherwise, and hold such land as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and such other works as may be necessary for the purity and preservation of said waters, and for collecting, conducting and distributing the same as herein provided.

—to file description of land taken in registry of deeds.

And within sixty days after the taking of any of the land aforesaid, said town or towns taking the same shall file in the registry of deeds for the southern district of the county of Middlesex, a description thereof sufficiently accurate for identifying the same. All claims for damages sustained by taking land, water or water-rights, or by making aqueducts, reservoirs or other works, shall be ascertained, determined and recovered, in the manner now provided by law in case of land taken for highways, except that the complaint may be filed within three years after said taking. And the liability of said towns for taking such water or water-rights shall be joint and equal, and for other acts in which they or any two of them shall join as provided in the first section of this act, shall be joint on the part of the towns participating, and each town shall be severally liable for its separate acts.

Damages.

Melrose may issue scrip to amount of \$100,000.
Malden, \$200,000.
Medford, \$150,000.

SECTION 3. For the purpose of defraying the cost of such franchises, property, lands, water and water-rights, as are taken, purchased or held for the purposes aforesaid, and of constructing works necessary and proper for the accomplishment of the purposes authorized by this act and by chapter two hundred and eight of the acts of the year eighteen hundred and sixty-seven, and paying all expenses incident thereto, each of said towns may issue from time to time, scrip, notes or certificates of debt: the town of Melrose, to an amount not exceeding one hundred thousand dollars; the town of Malden to an amount not exceeding two hundred thousand dollars, and the town of Medford to an amount not exceeding one hundred and fifty thousand dollars. Such scrip issued by the town of Melrose shall be denominated on its face, Melrose Water Fund Bonds; that issued by the town of Malden shall be denominated on its face, Malden Water

Fund Bonds, and that issued by the town of Medford shall be denominated Medford Water Fund Bonds. All such scrip shall bear interest, payable semi-annually, and the principal shall be payable at periods not more than twenty years from the issuing of the said scrip, notes or certificates respectively ; and each such town may sell the same, or any part thereof, from time to time, at public or private sale, for the purpose aforesaid, on such terms and conditions as such town shall deem proper. And each of such towns is further authorized to make appropriations, and assess from time to time such amounts as it may from year to year decide, not exceeding in any one year prior to the year in which the bonds mature, the sum of five thousand dollars, towards paying the principal of the money so borrowed, and also a sum sufficient to pay the interest thereon, in the same manner as money is assessed and appropriated for other town purposes.

SECTION 4. The general regulation and control of the waters in said pond, and of the letting down of the same, shall be exercised and administered by a joint board, composed of the officers or agents of each town, who shall, from time to time, be appointed by said towns, under authority of the provisions of chapter two hundred and eight of the acts of the year eighteen hundred and sixty-seven and this act, in which board each town shall have an equal power and authority ; and, in case said towns so acting cannot agree in respect to the manner of securing, from time to time, an equal share of the water of said pond to each town, the supreme judicial court, or any justice thereof, upon application of either town by their agents or officers appointed as aforesaid, shall appoint three commissioners to award and determine the method in which such supply shall be secured and the share of the expense thereof to be borne by each town, and this award, when confirmed by said court, shall be conclusive upon said towns.

Regulation and control to be exercised by joint board appointed by the towns.

If towns disagree, commissioners to be appointed by supreme judicial court.

SECTION 5. The acts and proceedings of the town of Melrose, at its town meetings, held on the twenty-fourth day of September, in the year eighteen hundred and sixty-nine, and on the seventh day of October, in the year eighteen hundred and sixty-nine ; of the town of Malden, at its town meetings, held on the thirteenth day of September, in the year eighteen hundred and sixty-nine, and on the twenty-seventh day of September, in the year eighteen hundred and sixty-nine, and of the town of Medford, at its town meetings, held on the twentieth day of September, in the year eighteen hundred and sixty-nine, and on the twenty-eighth day of January, in the year eighteen hundred and seventy, and, by adjourn-

Doings at town meetings in Melrose, Malden and Medford confirmed and ratified.

ment, on the first day of February, and on the ninth day of February, each in said year of eighteen hundred and seventy, and the acts and doings of the officers and agents appointed at said meetings, or either of them, in pursuance of the authority then given them, and in execution of the purposes of this act and the act to which this act is in addition, so far as the same may appear to be invalid from any want of authority on the part of said towns, are hereby authorized, ratified and confirmed.

Commissioners now in office to serve until their successors are qualified.

SECTION 6. The commissioners already chosen by said towns, together with any successor chosen to fill a vacancy in the boards occasioned by resignation or otherwise, shall severally hold their office and exercise the powers conferred upon them by their respective towns, and the provisions of this act, and the act to which this is an addition, until their successors are regularly chosen and qualified. At the annual town meeting held in the year eighteen hundred and seventy-one there shall be elected in each of said towns, in the manner in which selectmen are by law required to be elected, a board of three water commissioners of the town, one of whom shall be elected to serve for the period of one, two and three years respectively. And annually, thereafter, there shall be elected in the same manner a number equal to the number whose term of service then expires. All such officers so chosen shall hold office until their successors are chosen and qualified in the manner required by law for selectmen of towns, and vacancies occurring in the board in any town shall be filled by the remaining member or members of the board and the selectmen of the town, in the manner now provided by law for filling vacancies occurring in the board of school committee of towns. The remaining member or members of the board shall in such case exercise the powers of the board till the vacancy is filled. The boards of water commissioners so chosen shall in each town have the general care and custody of the aqueduct and water-works of the town and the property connected therewith. They shall annually make a report to the town of their doings and the condition of the property under their control, with such recommendations as they shall judge the interests of the town require.

Board of three water commissioners to be chosen.

Vacancies, how filled.

Reports, &c.

Surplus income to be set apart as a sinking fund.

SECTION 7. The surplus of the net income derived from said water-works after payment of the semi-annual interest upon said scrip, and after deducting all charges of distribution and repairs, and other expenses incident to the same, and all amounts appropriated from time to time by said towns for the payment of the principal sum thereof, under the pro-

visions of this act, shall, in each town, be set apart as a sinking fund, which, with the accumulated interest upon the same, shall be devoted to the payment of said scrip of said town at maturity.

The rents received for the use of water shall, in the case of each town when collected, be paid over to the treasurer of the town, and all sums set apart as aforesaid, shall from time to time be invested and re-invested by him in the name of the town of Medford, town of Melrose, or town of Malden, as the case may be, in the scrip authorized by this act, at a price not exceeding its par value, or on such loans or in such securities as by law the funds of savings banks may be invested in, except that no portion of the same shall be loaned directly or indirectly to either of said towns, or upon mere personal security.

Water rents.

SECTION 8. The accounts of such sinking funds shall be kept apart from the other accounts of the town, and in each town shall at all times be open to the inspection of the water commissioners of said town. The treasurer of each town shall annually make a written report to the town, at its annual meeting, of the condition of the fund of the town, and the changes of investment during the then preceding year. The selectmen and water commissioners shall jointly, as often as once in each year, examine the accounts and securities of the fund, and shall report the result of their examination to the town, in connection with the report of the treasurer.

Sinking fund accounts to be kept separate from other town accounts.

Accounts and securities to be examined annually.

SECTION 9. This act shall take effect upon its passage.

Approved April 2, 1870.

AN ACT TO INCORPORATE THE BAY STATE MUTUAL LIFE INSURANCE COMPANY.

Chap. 161

Be it enacted, &c., as follows:

SECTION 1. John Cummings, Gerry W. Cochrane, Charles Choate, their associates and successors, are hereby made a corporation by the name of the Bay State Mutual Life Insurance Company, to be established and located in the city of Boston, for the purpose of making insurance on lives; with all the powers and privileges, and subject to the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1870.

Chap. 162 AN ACT TO INCORPORATE THE AUGUSTINIAN SOCIETY, OF LAWRENCE.
Be it enacted, &c., as follows:

Corporators.

Name and purpose.

Real estate.

SECTION 1. Thomas Galberry, John P. Gilmore, Timothy Donovan, William Harnett, Hector P. Linn, John Kiley, Hugh Rafferty, their associates and successors, are hereby made a corporation in Lawrence, by the name of the Augustinian Society, for the purpose of taking and holding property for religious purposes only, in the city of Lawrence and the town of Andover.

SECTION 2. Said corporation may hold real estate to the amount of two hundred thousand dollars, for the aforesaid purposes.

SECTION 3. This act shall take effect upon its passage.

Approved April 8, 1870.

Chap. 163 AN ACT CONCERNING THE LAYING OUT, ALTERING, WIDENING AND IMPROVING THE STREETS OF THE CITY OF WORCESTER.

Be it enacted, &c., as follows:

City council and county commissioners to have power to lay out, &c., streets and highways.

Proceedings before commissioners confirmed.

May take land and remove buildings.

Estates benefited by laying out, &c., streets, may be assessed for portion of expense.

SECTION 1. The city council of the city of Worcester, and the county commissioners of the county of Worcester, shall continue to have and exercise all the power and authority in relation to the laying out, acceptance, altering, widening, changing the grade of, and discontinuing of the streets and highways within said city, which are vested in them, respectively, by the charter of said city, and by the general laws of the Commonwealth; and nothing in the provisions of chapter one hundred and seventy-four of the acts of the year eighteen hundred and sixty-six, or of chapters seventy-five and two hundred and seventy-six of the acts of the year eighteen hundred and sixty-eight, nor the acceptance of said acts, or of either of them, by the city council of said city, shall be construed to affect the power and authority in relation to such streets and highways so vested in said city council and county commissioners; and all proceedings heretofore instituted or had before said county commissioners in relation to such streets and highways, so far as such proceedings want effect or validity by reason of anything contained in said acts, are hereby confirmed, and the same shall be taken and deemed good and valid in law to all intents and purposes whatsoever; and for the purpose of laying out, altering, widening and improving the streets of said city, the city council and county commissioners may take land, and may remove the whole or any part of any buildings which in their judgment it may be necessary to take or remove.

SECTION 2. When any street or way in the city of Worcester shall be laid out, altered, widened, graded or discontinued, the power to adjudge and determine whether any real

estate in said city receives benefit and advantage therefrom, and to adjudge and determine the value of such benefit and advantage to any such estate, and to estimate and assess upon the same a proportional share of the expense of such laying out, altering, widening, grading or discontinuance, under the authority of said acts, and all other powers vested by said acts in the board of aldermen of the city of Boston, shall, except as herein provided, be vested in and exercised by the mayor and aldermen of the city of Worcester; and the provisions of all said acts and of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and sixty-nine, shall extend and be applicable to said city, except as otherwise provided in this act: *provided*, that the entire amount assessed for such benefit and advantage upon all the estates shall not exceed in amount one-half of such adjudged benefit and advantage; and in no case shall such assessment exceed the amount to be paid by said city for such laying out, altering, widening, grading or discontinuance, including damages for land and buildings.

Proviso.

SECTION 3. The mayor and aldermen of said city shall have power to make such assessments when streets are laid out, altered, widened, graded or discontinued under the order of the city council, or when highways or city streets are laid out, altered, widened, graded or discontinued under the order of the county commissioners, and in such case due allowance shall be made for any benefit set off under the provisions of section sixteen of chapter forty-three of the General Statutes.

Assessments to be made by mayor and aldermen.

SECTION 4. When any real estate shall receive any benefit and advantage by the laying out, altering, widening, grading or discontinuing of any street or highway within said city, and be liable to assessment on account of the benefit and advantage so received, such assessment may be laid at any time within two years after the passage of the order for the laying out, altering, widening, grading or discontinuing, and not afterwards; and all such assessments shall constitute a lien upon the real estate so assessed, to be enforced in the same manner, with like charges for costs and interest, as is provided by law for the collection of taxes.

—to be made within two years after order for laying out street.

SECTION 5. This act shall apply to the laying out, altering, widening, grading or discontinuing of streets and ways hereafter completed within said city, whether commenced before or after the passage of this act, and shall not be construed as repealing any existing laws relating to the laying out, altering, widening, grading or discontinuing streets or ways.

Construction of act.

Persons aggrieved may apply for a jury.

SECTION 6. Any person aggrieved by the doings of the mayor and aldermen of said city under this act and the acts herein referred to, may apply for a jury by petition to the superior court, at any term thereof which shall be holden within the county of Worcester within one year after the passage of the order or proceeding upon which the application is founded; or if a suit is instituted within one year wherein the legal effect of the proceedings of the mayor and aldermen shall be called in question, such application may be made at any time within one year after the final determination of such suit; and thereupon said court shall, after due notice to the city, order a trial by jury to be had at the bar of the court in the same manner in which other civil causes are there tried by jury, and if either party request it, the jury shall view the place in question.

Subject to acceptance by city council.

SECTION 7. This act shall take effect whenever the same shall be accepted by the city council of said city.

Approved April 9, 1870.

Chap. 164

AN ACT TO INCORPORATE THE ASBURY GROVE RAILROAD COMPANY.
Be it enacted, &c., as follows:

Corporators.

SECTION 1. T. P. Richardson, P. P. Tapley, George N. Noyes, their associates and successors, are hereby made a corporation by the name of the Asbury Grove Railroad Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to railroad corporations, except as herein provided.

Powers and duties.

Location and construction.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, commencing at some convenient point on the railroad of the Eastern Railroad Company, near its depot in Hamilton, and thence running in the rear of the houses of Preston and Morgan to the Asbury Grove Camp Ground, so called, in Hamilton; and may enter with its road upon, unite with, and use the road of the Eastern Railroad Company; and said Eastern Railroad Company may enter with its road upon, unite with, and use the road of said Asbury Grove Railroad Company, subject to the provisions of the general laws, except as herein provided; and said last named company may lease or sell its road, franchise and other property, to said Eastern Railroad Company, and the said Eastern Railroad Company is hereby authorized to hire or purchase the same, or to contract for the construction of said railroad.

Operation of road subject to regulation by

SECTION 3. The operation of that part of the road hereby authorized to be constructed, which may be located upon the

land of the Asbury Camp Meeting Association, shall be at all times subject to regulation by said association; and said association is hereby authorized, by a majority vote of its members present and voting, at a meeting called for the purpose, to subscribe for and hold shares in the capital stock of said corporation.

the association.

SECTION 4. The capital stock of said corporation shall not exceed fifty thousand dollars, and shall be divided into shares of one hundred dollars each, the number of which shall be determined, from time to time, by its directors.

Capital stock and shares.

SECTION 5. This act shall take effect upon its passage, and shall be void unless said railroad shall be located within two years, and constructed within four years, from the passage hereof.

To be located within two years and constructed within four years.

Approved April 9, 1870.

AN ACT TO AUTHORIZE THE STONEHAM BRANCH RAILROAD COMPANY TO CONVEY ITS PROPERTY AND FRANCHISE TO THE BOSTON AND LOWELL RAILROAD CORPORATION.

Chap. 165

Be it enacted, &c., as follows :

SECTION 1. The vote of the stockholders of the Stoneham Branch Railroad Company to sell and transfer its property, rights, privileges and franchise, to the Boston and Lowell Railroad Corporation, pursuant to the provisions of its charter, chapter two hundred and sixty-eight, of the acts of the year eighteen hundred and fifty-nine, and the vote of the stockholders of said Boston and Lowell Railroad Corporation, to purchase, receive and hold said property, rights, privileges and franchise, are hereby sanctioned and confirmed notwithstanding any defects in the records of said Stoneham Branch Railroad Company, and the present acting board of directors of said Stoneham Branch Railroad Company is hereby authorized to sell and transfer to said Boston and Lowell Railroad Corporation, the railroad, corporate property, rights, privileges and franchise of said Stoneham Branch Railroad Company, upon such terms as the parties may mutually agree.

May sell franchise and property to Boston and Lowell Railroad Corporation.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1870.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF HAMPDEN COUNTY TO TAKE CERTAIN LAND, AND FOR OTHER PURPOSES.

Chap. 166

Be it enacted, &c., as follows :

SECTION 1. The county commissioners for the county of Hampden are hereby authorized to borrow, upon the credit of said county, a sum not exceeding one hundred and fifty thousand dollars, for the purpose of building a new court house in Springfield; and in case they shall elect to enlarge

Commissioners may borrow money to build or enlarge court house in Springfield.

and repair their present court house, instead of building a new one, they are authorized for that purpose to borrow in like manner a sum not exceeding seventy thousand dollars.

—may take
land, &c.

SECTION 2. Said county commissioners, for either of the purposes named in the first section of this act, are authorized and empowered to take land, not exceeding thirty feet in length, and extending from the present court house westerly on Court street, and of the same width as the present court house lot.

Damages to be
determined as
in case of land
taken for high-
ways.

SECTION 3. All damages occasioned by the operation of the second section of this act, and claimed by any party, may be determined and recovered in the same manner as is now provided by law in case of lands taken for highways.

SECTION 4. This act shall take effect upon its passage.

Approved April 9, 1870.

Chap. 167 AN ACT TO INCORPORATE THE LYNN MARKET-HOUSE COMPANY.
Be it enacted, &c., as follows :

Corporators.

SECTION 1. John Wooldredge, Amos F. Breed, Benjamin F. Doak, their associates and successors, are hereby made a corporation in Lynn, by the name of the Lynn Market-House Company, for the purpose of erecting and maintaining in the city of Lynn a market-house, with a public hall, offices and stores for business purposes, to be connected with such market-house ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Name and pur-
pose.

Powers and du-
ties.

Real estate,
capital stock
and shares.

SECTION 2. Said corporation may hold for the purposes aforesaid, real estate necessary and convenient for its business, to an amount not exceeding in value one hundred thousand dollars, divided into shares of one hundred dollars each : *provided, however,* that said corporation shall not go into operation until twenty-five thousand dollars of its capital stock shall be paid in in cash.

SECTION 3. This act shall take effect upon its passage.

Approved April 9, 1870.

Chap. 168 AN ACT TO AUTHORIZE JOSEPH F. PAUL TO CONSTRUCT A WHARF ON THE SOUTHERLY SIDE OF ALBANY STREET IN BOSTON.

Be it enacted, &c., as follows :

May construct
wharf in Bos-
ton.

SECTION 1. License is hereby given to Joseph F. Paul, of Boston, to construct a wharf over the flats along side his present wharf on the south-easterly side of Albany street, next to Dover street, in said Boston, to the commissioners' line, as established May fourteen, in the year eighteen hundred and sixty-four, subject to the provisions of section four

of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, with the right to lay vessels at the end of said wharf, and to receive wharfage and dockage therefor: *provided*, that this license shall be subject to the provisions of sections one and two of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1870.

AN ACT TO AUTHORIZE TOWNS TO APPROPRIATE MONEY FOR THE CARE AND DECORATION OF SOLDIERS' GRAVES AND MONUMENTS.

Chap. 169

Be it enacted, &c., as follows:

SECTION 1. Towns may at legal meetings grant and vote such sums as they judge necessary for the purpose of keeping in repair or decorating the graves within their limits, of soldiers or sailors who have died in the military or naval service of the United States, or the monuments or other memorials erected to their memory.

Towns may vote money for repairing and decorating graves of soldiers and sailors.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1870.

AN ACT TO DEFINE AND DECLARE THE RIGHTS OF TENANTS FOR LIFE OF LANDS IN RESPECT TO FIXTURES.

Chap. 170

Be it enacted, &c., as follows:

SECTION 1. Fixtures annexed to the freehold by the tenant for life of land, or his assigns, may be removed during the continuance of the life estate, or within a reasonable time after its determination: *provided*, that in determining what things annexed to the freehold are fixtures, the rules of the common law which prevail as between landlord and tenant for years of land, shall govern.

Fixtures annexed to freehold may be removed during life estate or within reasonable time after. Proviso.

SECTION 2. Nothing contained in the preceding section shall impair or in any way affect the right of the owner of land to make any different arrangement, by will or otherwise, as to the removal of fixtures, or in any way impair or affect the provisions of any will or other instrument by which an estate for life in land is created or limited.

Right of owner to make arrangement by will, &c., not to be affected.

SECTION 3. This act shall take effect upon its passage.

Approved April 12, 1870.

AN ACT RELATING TO THE DISCHARGE OF MORTGAGES.

Chap. 171

Be it enacted, &c., as follows:

SECTION 1. Mortgages may be discharged by one of two or more joint holders thereof, by an entry on the margin of the record thereof, in the registry of deeds, or by deed of release, duly acknowledged and recorded.

Mortgage may be discharged by one of several holders thereof.

SECTION 2. This act shall take effect upon its passage.

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Approved April 12, 1870.

Chap. 172 AN ACT TO INCORPORATE THE AMERICAN MUTUAL LIFE INSURANCE COMPANY.

Be it enacted, &c., as follows :

Corporators.	SECTION 1. George O. Brastow, Andrew McKinney, A. K. P. Joy, their associates and successors, are hereby made
Name and purpose.	a corporation by the name of the American Mutual Life Insurance Company, to be located in the city of Boston, for the purpose of making insurance on lives, and to grant, purchase
Powers and duties.	and dispose of annuities ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such companies.
Fund to be set apart for payment of annuities.	SECTION 2. Of the required net premium reserve, there shall be set apart and held as a separate fund, so much as may represent the aggregate net value of all outstanding annuities, and the amount so reserved and set apart, shall be applied only to the payments due on said annuities.
When one hundred apply for insurance, company may be organized.	SECTION 3. When one hundred persons have subscribed to become members of said company, by being insured for one or more years, or for life, the first meeting may be called for the purpose of organizing the corporation. And the guarantee capital shall be paid in, before any policies are issued by said company.

Approved April 12, 1870.

Chap. 173 AN ACT TO INCORPORATE THE MILFORD FARMERS' CLUB.

Be it enacted, &c., as follows :

Corporators.	SECTION 1. A. C. Mayhew, Abraham Mead, A. G. Underwood, their associates and successors, are hereby made a corporation by the name of the Milford Farmers' Club, in the town of Milford, for the encouragement of agriculture, horticulture, and the mechanic arts, by premiums and other means ; with all the privileges and powers, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force, relating to such corporations.
Name and purpose.	
Powers and duties.	
No bounty from the Commonwealth.	SECTION 2. Said corporation shall never be entitled to, or allowed to receive, any bounty or allowance of funds from the treasury of the Commonwealth for the payment of premiums, or for any other purpose.
Real and personal estate.	SECTION 3. Said corporation may hold real and personal property to the amount of thirty thousand dollars, to be devoted exclusively to the purposes of said corporation.

Approved April 12, 1870.

AN ACT TO AUTHORIZE CHARLES ROWELL TO EXTEND HIS WHARF AT
NEWBURYPORT. *Chap. 174*

Be it enacted, &c., as follows :

SECTION 1. License is hereby given to Charles Rowell, subject to the provisions of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and the first three sections of chapter four hundred and thirty-two of the acts of eighteen hundred and sixty-nine, to enlarge his wharf, situated on the north-westerly side of the Market Street Landing, so called, in Newburyport, by extending the same in a straight line with the north-westerly side thereof, twenty-eight feet, to a point in the channel on a line with the front of the abutment of the Newburyport Bridge, on the Newburyport side, and by widening the same so that the front shall be eighty feet wide, and in a straight line with the head of said abutment, and by connecting the same with the present wharf by suitable material.

May build wharf in Newburyport.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1870.

AN ACT TO CHANGE THE NAME OF THE RELIGIOUS SOCIETY IN CHICOPEE, INCORPORATED AS THE SIXTH CONGREGATIONAL SOCIETY OF SPRINGFIELD. *Chap. 175*

Be it enacted, &c., as follows :

SECTION 1. The religious society in Chicopee incorporated under the General Statutes, and called the Sixth Congregational Society of Springfield, and sometimes called the Sixth Congregational Church and Society of Springfield, and subsequently known as the Third Congregational Society of Chicopee, shall be known and called hereafter by the name of the Third Congregational Society of Chicopee, and as such, and under such name, shall hold and possess all the real estate and personal property, and shall be entitled to all the rights and privileges, and be subject to all the liabilities of the society incorporated and called as aforesaid.

Name changed to "Third Congregational Society of Chicopee."

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1870.

AN ACT TO AUTHORIZE THE MASSACHUSETTS SOCIETY FOR PROMOTING CHRISTIAN KNOWLEDGE, TO TRANSFER ITS FUNDS TO OTHER CORPORATIONS. *Chap. 176*

Be it enacted, &c., as follows :

The Massachusetts Society for Promoting Christian Knowledge, a corporation created by chapter fifty-five of the acts of the year eighteen hundred and six, is hereby authorized to transfer its funds to any other religious or charitable corporations within this Commonwealth, legally competent to receive the same ; but all property so transferred, shall be held

May transfer funds to other religious or charitable corporations.

and applied by the corporations receiving it, for such purposes only as are authorized by said act of incorporation, and by the terms of the original donations of said property.

Approved April 12, 1870.

Chap. 177 AN ACT TO EXTEND THE TIME FOR ORGANIZING AND COLLECTING ASSESSMENTS OF THE SOUTH OF EUROPE STEAMSHIP COMPANY.

Be it enacted, &c., as follows:

Time extended for organization, &c.

SECTION 1. The time for organizing the South of Europe Steamship Company, and for collecting assessments on its capital stock to the amount of one hundred thousand dollars, are hereby extended for the term of two years from the ninth day of April next.

When two steamships are running, charter to be deemed complied with.

SECTION 2. If said company shall, within three years from said ninth day of April, have two steamships running between some port in Massachusetts, and some port or ports in Europe, it shall be deemed a compliance with the provisions of its charter, as to the time when it shall begin to run steamships; but if, after commencing so to run them, it shall discontinue such running for more than one year, its charter shall become void.

SECTION 3. This act shall take effect upon its passage.

Approved April 12, 1870.

Chap. 178 AN ACT TO INCREASE THE CAPITAL STOCK OF THE PEOPLE'S FIRE INSURANCE COMPANY OF WORCESTER.

Be it enacted, &c., as follows:

\$300,000 additional capital stock.

SECTION 1. The People's Fire Insurance Company of Worcester, is hereby authorized to increase its capital stock to a sum not exceeding three hundred thousand dollars in addition to its present capital stock, to be divided into shares of one hundred dollars each, and to be paid in, at par, within three years from the passage of this act, in such instalments as the corporation shall from time to time determine.

Notice to be given to stockholders before stock is sold.

SECTION 2. Before any sale of the new shares authorized by this act, the directors of said company shall give notice in writing of such authorized increase to the stockholders; and within thirty days after such notice, the stockholders may take their proportion of such shares according to the number of shares in the capital stock owned by them severally at the date of such increase. If any shares then remain unsold, the said company shall dispose of the same at public auction for the benefit of the company: *provided, however,* that all premiums arising from the sale of said shares shall be payable to such delinquent stockholders or their legal representatives on demand within one year from said auction sale.

Shares not taken by stockholders to be sold at public auction.

SECTION 3. This act shall take effect upon its passage.

Approved April 15, 1870.

AN ACT RELATING TO THE INCREASE OF CAPITAL STOCK BY CORPORATIONS. Chap. 179*Be it enacted, &c., as follows :*

SECTION 1. Whenever any corporation shall increase its capital stock, pursuant to any legal authority, the directors of such corporation shall give notice in writing, of such increase, to each of the stockholders in said corporation, who were such at the date of the vote to increase, stating the amount of the increase, the number of shares, or fractions of shares, of the new stock which each stockholder, at the date of such vote, is entitled to take, and the time within which such new stock shall be taken, which time shall not be less than thirty days from the time of giving such notice ; and within said time such stockholders may take, at par, their proportion of such new shares, according to the number of shares owned by them respectively, at the date of such vote to increase ; and if, after the expiration of said time, any shares remain untaken, said directors shall sell the same at public auction, for the benefit of the corporation ; but all premiums realized from such sales, shall be paid to such stockholders, or their legal representatives, as have not availed themselves of their right to take the new stock, in proportion to the number of shares held by each, at the date of such vote : *provided*, demand is made on the corporation therefor, within one year from the time of such sale ; but nothing herein contained shall authorize any corporation to sell any of its shares of stock for less than the par value thereof.

Notice to be given to stockholders of increase of capital, &c.

Shares not taken by stockholders to be sold at public auction.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 15, 1870.

AN ACT TO AUTHORIZE DANIEL N. KELLY TO BUILD A WHARF IN DENNIS. Chap. 180*Be it enacted, &c., as follows :*

SECTION 1. License is hereby given to Daniel N. Kelly to construct a wharf, extending from his land on the easterly side of Bass River, in the town of Dennis, towards the channel of said river ; with the right to lay vessels at said wharf, and receive wharfage and dockage therefor : *provided*, that all things done under this act shall be subject to the determination of the harbor commissioners, as provided in section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; and *provided*, that this license shall in no wise impair the legal rights of any person ; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years after its taking effect, except so far as valuable structures

May construct wharf in Dennis.

Subject to control by harbor commissioners.

Provisos.

may have been actually and in good faith built under the same.

SECTION 2. This act shall take effect upon its passage.

Approved April 15, 1870.

Chap. 181 AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF THE COUNTY OF BRISTOL, TO LAY OUT HICKS'S BRIDGE AS A PUBLIC HIGHWAY.

Be it enacted, &c., as follows :

Hicks's Bridge, over Westport River, to be a public highway.

SECTION 1. The county commissioners of the county of Bristol, are hereby authorized and instructed to lay out as a public highway, the bridge over the east branch of Westport River, called Hicks's Bridge, in the same manner as is now provided by law for laying out highways.

Damages.

SECTION 2. The same rule shall apply in regard to damages sustained by the proprietor of said bridge, as is now provided by law for taking land for highways.

Application for laying out to be made within one year.

SECTION 3. This act shall be void, unless an application shall be made by some one of the parties in interest, to the said commissioners, to lay out said bridge as a public highway, within one year from the passage of this act.

SECTION 4. This act shall take effect upon its passage.

Approved April 15, 1870.

Chap. 182 AN ACT IN RELATION TO A FREE BRIDGE ACROSS THE CONNECTICUT RIVER BETWEEN HOLYOKE AND SOUTH HADLEY.

Be it enacted, &c., as follows :

Commissioners of Hampden and Hampshire may lay out highway and bridge across Connecticut River.

SECTION 1. The county commissioners of the counties of Hampden and Hampshire are hereby authorized and directed to lay out and construct a public highway and bridge, with suitable approaches, across the Connecticut River, in the towns of Holyoke and South Hadley, at such place as they shall deem most expedient, between the dam of the Holyoke Water Power Company and the southern boundary of the county of Hampshire.

—may provide for use of bridge by horse rail-roads.

SECTION 2. Said county commissioners may, if they deem it expedient in constructing said bridge, provide for the use of any portion thereof for horse railroad purposes, and shall at all times after the completion of said bridge determine upon what terms and under what conditions horse railroads may pass, on, over or across said bridge: *provided*, the authority granted by this section shall not be exercised unless the parties in interest shall give good and sufficient sureties to said commissioners that they will pay whatever additional cost is made by so constructing said bridge, which shall be determined by said commissioners.

Proviso.

Expenses of maintaining and repairing

SECTION 3. All expenses incurred under this act, including all expenses of maintaining and keeping in repair said

bridge when completed, shall be borne and paid by the counties of Hampden and Hampshire, and such towns in said counties, in such proportion and in such manner, as shall be determined under the following provisions.

SECTION 4. In case the commissioners of the two counties shall after a reasonable time fail to agree upon the site and location of said highway and bridge, or upon the plan and mode of constructing said bridge, the supreme judicial court, upon application of any party interested in the same, may appoint a committee, consisting of three disinterested persons, who shall, after duly notifying and hearing the parties, determine the location of said bridge and highway and the plan and mode of constructing the same, and make a report in writing to the clerk of said court for the county of Hampden, and their determination, so reported, when accepted by the court, shall be binding upon all parties.

SECTION 5. When such highway and bridge are completed, and as soon as their full cost ascertained, said county commissioners shall file their report of the facts, together with the amount of such cost in the office of the clerk of the supreme judicial court for the county of Hampden; whereupon and upon the application of said county commissioners or any party interested, and after such notice as the court may order, said court shall appoint a board of three commissioners, who shall be sworn to the faithful discharge of their duties hereunder, and who, after proper notice to and a full hearing of all parties interested, shall award and determine what proportional part of the cost so reported, and what proportional amount of all expenses of maintaining and keeping in repair said bridge, and all other expenses incurred under this act shall be borne and paid by the counties of Hampden and Hampshire respectively, and by such towns in the several counties of Hampden and Hampshire as they shall award and determine will be specially benefited by said bridge; and they shall also award and determine how, and by, and to whom, such proportional amounts shall be paid.

SECTION 6. The determination and award of said commissioners, or the majority of them, shall be by them reported in writing to the supreme judicial court for the county of Hampden, and upon acceptance by said court, and judgment and decree entered thereon, shall be binding upon all parties named therein, and such proceedings may be had upon such judgment or decree to enforce and carry into effect the same, as is provided by law in civil cases in said court. The compensation and expense of said commission shall be paid in such manner as they shall determine, subject to the approval

bridge to be borne by both counties.

If commissioners fail to agree, supreme judicial court may appoint committee to determine location, &c.

Commissioners to be appointed to apportion expense of maintaining, &c., between counties and towns.

Award of commissioners to be binding when accepted by supreme judicial court.

of the supreme judicial court ; and all matters and things provided by this act to be done in or by the supreme judicial court, except the appointment of the board of commissioners and final judgment or decree, may be done by any justice of said court as well in vacation as term time.

If commissioners of either county refuse to act, the commissioners of the other county to have full powers.

SECTION 7. In case the commissioners of either of the aforesaid counties of Hampden and Hampshire shall, on application of any party interested, and for twenty days, neglect or refuse to act upon the authority granted in this act, the commissioners of the other aforesaid county are hereby authorized and empowered to lay out and construct such highway and bridge, and to report their doings and expenditures therefor to the supreme judicial court, as herein provided, and in every other particular to have and exercise the authority herein previously granted the commissioners of said counties of Hampden and Hampshire jointly, save and except that after entry of the final judgment or decree herein before mentioned by the supreme judicial court, the commissioners of both of said counties shall have joint control over said bridge.

If commissioners of one county construct highway, &c., supreme judicial court to enter decree, &c.

SECTION 8. In case the commissioners of one of said counties shall lay out and construct such highway and bridge and report their doings and expenditures as in the last section provided, said supreme judicial court shall appoint commissioners, receive their report, enter judgment or decree thereon in the same manner as previously provided.

Selectmen of Holyoke and Hadley to have superintendence of bridge.

SECTION 9. The selectmen of the town of Holyoke and South Hadley, after the completion of said bridge, shall have the care and superintendence of said bridge, its abutments and piers, and cause them to be kept in good repair and safe and convenient for travel ; the cost of the repairs, care and superintendence of said bridge to be borne by such parties as the board of commissioners shall determine under authority herein before granted.

Liability for defects in bridge.

SECTION 10. Liability for defects in the bridge, its abutments and piers shall exist on the part of the towns of Holyoke and South Hadley in such proportions as the county commissioners of the counties of Hampden and Hampshire shall determine.

Counties may borrow \$150,000.

SECTION 11. The county commissioners of the counties of Hampden and Hampshire are hereby authorized to borrow upon the credit of said counties, a sum not exceeding one hundred and fifty thousand dollars for the purpose of carrying into effect the authority granted in this act.

Compensation may be allowed to owners of swing ferry.

SECTION 12. There may be allowed and paid as expenses under section three of this act to the owners of the swing

ferry now operating immediately below the proposed bridge, such sum as the commissioners shall consider a fair and legal compensation to said owners for the injury done them by the erection of said bridge.

SECTION 13. This act shall take effect upon its passage.

Approved April 18, 1870.

AN ACT AUTHORIZING TOWNS TO UNITE IN THE ELECTION OF SUPER-INTENDENTS OF SCHOOLS.

Chap. 183

Be it enacted, &c., as follows :

SECTION 1. Any two or more towns may, by a vote of each, form a district for the purpose of employing a superintendent of public schools therein, who shall perform in each town the duties prescribed by law.

Superintendent of schools may be employed by two or more towns jointly.

SECTION 2. Such superintendent shall be annually appointed by a joint committee composed of the chairman and secretary of the school committee of each of the towns in said district, who shall determine the relative amount of service to be performed by him in each town, fix his salary, and apportion the amount thereof to be paid by the several towns and certify the same to the treasurer of each town. Said joint committee shall, for the purposes named in this section, be held to be the agents of each town composing the district aforesaid.

—manner of appointment, salary, &c.

Approved April 18, 1870.

AN ACT CONCERNING SHELL-FISH IN THE TOWN OF WELLFLEET.

Chap. 184

Be it enacted, &c., as follows :

SECTION 1. The town of Wellfleet, at any legal meeting called for the purpose, may make such regulations or by-laws as they may from time to time deem expedient to protect and preserve the shell-fish within the waters of said town, and the inlets therefrom : *provided, always,* that no regulation or by-law made as above, shall infringe upon the laws of this Commonwealth.

Wellfleet may make regulations for protection of shell-fish.

Proviso.

SECTION 2. Whoever takes any shell-fish from within the waters of the said town, in violation of the laws established by the provisions of this act, shall for every offence pay a fine of not less than five, nor more than ten dollars, and costs of prosecution, and one dollar for every bushel of shell-fish so taken ; said fines and forfeitures imposed under this act to be recovered by indictment or information before a trial justice in the county of Barnstable.

Penalty for violation.

SECTION 3. This act shall take effect upon its passage.

Approved April 18, 1870.

Chap. 185 AN ACT IN ADDITION TO THE ACT IN RELATION TO LAYING OUT HIGHWAYS AND TOWN WAYS.

Be it enacted, &c., as follows :

Provisions of 1870, 75, not to affect pending cases.

SECTION 1. Nothing contained in chapter seventy-five of the acts of the year eighteen hundred and seventy, shall affect any case pending when the same goes into operation under the laws thereby repealed, but such cases shall proceed to final judgment the same as if such laws had not been repealed.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1870.

Chap. 186 AN ACT TO AUTHORIZE AMOS A. SARGENT TO EXTEND HIS WHARF IN HAVERHILL.

Be it enacted, &c., as follows :

May build wharf in Haverhill.

SECTION 1. Amos A. Sargent is hereby authorized to extend his wharf, situated on the northerly side of the Merrimack River in Haverhill, a distance of thirty-five feet into the river, in a southerly direction.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1870.

Chap. 187 AN ACT TO AUTHORIZE JOHN W. LEATHERBEE TO CONSTRUCT A WHARF ON THE SOUTHERLY SIDE OF ALBANY STREET IN BOSTON.

Be it enacted, &c., as follows :

May construct wharf in Boston.

SECTION 1. License is hereby given to John W. Leatherbee to construct a wharf over the flats on the south-easterly side of Albany street, in Boston, directly opposite the land which he owns on the other side of said street, to the commissioners' line, subject to the provisions of section four, of chapter one hundred and forty-nine, of the acts of the year eighteen hundred and sixty-six, and to the provisions of sections one, two and three, of the acts of the year eighteen hundred and sixty-nine; with the right to lay vessels at the end of said wharf, and to receive wharfage and dockage therefor, and such right to lay vessels at the sides of said wharf, and to receive wharfage and dockage therefor, as the harbor commissioners shall prescribe.

Wharfage and dockage.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1870.

Chap. 188 AN ACT TO AUTHORIZE THE MECHANICS SAVINGS BANK OF LOWELL TO HOLD REAL ESTATE.

Be it enacted, &c., as follows :

May invest \$100,000 in real estate for a banking house.

SECTION 1. The Mechanics Savings Bank, located in the city of Lowell, is hereby authorized to hold real estate to the amount of one hundred thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in

the purchase of a suitable site, and in the erection or preparation of a suitable building, to be used for banking purposes; and all income, if any, arising from such real estate, shall be devoted exclusively to the interest of said corporation.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1870.

AN ACT TO AUTHORIZE THE UNION INSTITUTION FOR SAVINGS, IN THE CITY OF BOSTON, TO HOLD ADDITIONAL REAL ESTATE.

Chap. 189

Be it enacted, &c., as follows :

SECTION 1. The Union Institution for Savings, in the city of Boston, is hereby authorized to hold real estate, in addition to what is now authorized by law, to an amount not exceeding one hundred thousand dollars.

\$100,000 additional real estate.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1870.

AN ACT TO INCORPORATE THE WATERTOWN SAVINGS BANK.

Chap. 190

Be it enacted, &c., as follows :

SECTION 1. Nathaniel Whiting, Joshua Coolidge, Charles J. Barry, their associates and successors, are hereby made a corporation by the name of the Watertown Savings Bank, to be located in the town of Watertown; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force in this Commonwealth, relating to institutions for savings.

Corporators.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1870.

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF THE STATE ALMSHOUSES; THE STATE PRISON; THE REFORM SCHOOL AT WESTBOROUGH; THE MASSACHUSETTS NAUTICAL SCHOOL, AND FOR OTHER PURPOSES.

Chap. 191

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise specified, for the purpose of meeting the current expenses of the institutions hereinafter named, and for other purposes, during the year ending December thirty-first, in the year eighteen hundred and seventy, to wit :

Appropriations authorized

CHARITABLE.

For the current expenses of the state almshouse at Tewksbury, a sum not exceeding fifty thousand dollars, in addition to the appropriation heretofore made.

Tewksbury almshouse: current expenses. G. S. 71.

Monson almshouse: current expenses.
G. S. 71; 1866, 209.

Bridgewater almshouse: current expenses.
G. S. 71; 1866, 198.

Visiting agent, State charities: clerical assistance and contingent expenses.
1869, 453.

General agent: expenses.
1863, 240.

Secretary: expenses.
1863, 240.

Board of State charities: expenses.
1863, 240.

State lunatic paupers in State hospitals.
G. S. 73; 1864, 288.

Burial, State paupers.
G. S. 70; 1867, 97.
State paupers supported by towns.

Massachusetts infant asylum.

Coroners' inquests.
G. S. 157, 175.
State almshouse loan.
1852, 275; 1854, 355.

Asylum for the blind.
Res. 1869, 19.

Idiotic and feeble-minded youth.
Res. 1861, 26;
1869, 9.

Deaf and dumb.
Res. 1847, 94;
1864, 38; 1865, 60; 1869, 333.

For the current expenses of the state almshouse and state primary school at Monson, a sum not exceeding thirty-five thousand dollars, in addition to the appropriation heretofore made.

For the current expenses of the state almshouse and state workhouse at Bridgewater, a sum not exceeding twenty-two thousand dollars, in addition to the appropriation heretofore made.

For such clerical and other assistance as the visiting agent of the board of state charities may find necessary, a sum not exceeding two thousand seven hundred dollars, in addition to the amount heretofore appropriated; and for the contingent expenses of said agent, a sum not exceeding four thousand eight hundred dollars.

For expenses of the general agent of the board of state charities, a sum not exceeding two thousand dollars.

For expenses of the secretary of the board of state charities, a sum not exceeding one thousand dollars.

For travelling and other expenses of the board of state charities, a sum not exceeding five hundred dollars.

For the support and relief of state lunatic paupers in state hospitals, a sum not exceeding eighty-eight thousand dollars.

For the burial of state paupers, a sum not exceeding seven thousand dollars.

For the support of state paupers by cities and towns, a sum not exceeding twenty-five thousand dollars, the same to include any expenses necessary to carry out the provisions of chapter one hundred and sixty-two of the acts of eighteen hundred and sixty-five, and chapter twelve of the acts of eighteen hundred and sixty-nine.

For the re-imbursement of the Massachusetts infant asylum for expenses incurred in the support of state pauper infants during the year eighteen hundred and seventy and previous years, a sum not exceeding three thousand dollars.

For the expenses of coroners' inquests, a sum not exceeding seven hundred and fifty dollars.

For the state almshouse loan sinking fund for the redemption of scrip, the sum of six thousand dollars.

For the Perkins institution and Massachusetts asylum for the blind, the sum of thirty thousand dollars.

For the Massachusetts school for idiotic and feeble-minded youth, the sum of sixteen thousand five hundred dollars.

For the support of Massachusetts beneficiaries in the asylum for deaf and dumb, and in other institutions, a sum not exceeding thirty thousand dollars.

For the annuities due from the Commonwealth, incurred by the acceptance of the bequests of the late Martha Johannot, a sum not exceeding one thousand four hundred dollars.

Johannot annuities.
Res. 1841, 65;
1843, 73.

For expenses attending the management of cases of settlement and bastardy in eighteen hundred and seventy and previous years, a sum not exceeding two thousand dollars.

Settlement and bastardy.
1863, 240.

For pensions, a sum not exceeding five hundred dollars.

Pensions.

For the support of Indian state paupers, in accordance with the provisions of chapter four hundred and sixty-three of the acts of the year eighteen hundred and sixty-nine, a sum not exceeding one thousand dollars.

Indian state paupers.

REFORMATORY AND CORRECTIONAL.

For the current expenses of the state prison, a sum not exceeding eighty-three thousand dollars, in addition to the amount heretofore appropriated.

State prison, current expenses.
1864, 303.

For the current expenses of the state reform school for boys at Westborough, a sum not exceeding thirty-five thousand dollars, in addition to the amount heretofore appropriated.

State reform school.
G. S. 76.

For the current expenses of the state industrial school for girls at Lancaster, a sum not exceeding fifteen thousand dollars, in addition to the amount heretofore appropriated.

State industrial school.
G. S. 75.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding one thousand five hundred dollars.

Fugitives from justice.
G. S. 177.

For the salary of an agent for the relief of discharged convicts, a sum not exceeding eight hundred dollars; and for the expenditures of said agent, a sum not exceeding one thousand five hundred dollars.

Agent for relief of discharged convicts.
1861, 78; 1869, 122.

For the current expenses of the Massachusetts nautical school, a sum not exceeding thirty-five thousand dollars, in addition to the amount heretofore appropriated.

Nautical school.
G. S. 76.

MISCELLANEOUS.

For the compensation and expenses of the commissioners on the Cape Cod harbor, at Provincetown, a sum not exceeding seven thousand dollars, the same to be taken and paid from the coast defence fund.

Commissioners on Cape Cod Harbor.
Res. 1867, 86.

For the compensation of an agent appointed by the governor under the provisions of chapter two hundred and one of the acts of eighteen hundred and sixty-nine, and for the expenses of said agent and of the treasurer of the Commonwealth on a visit to Europe in the summer of eighteen hundred and sixty-nine, to sell, dispose of or hypothecate certain

Agent and treasurer of Commonwealth, services and expenses while negotiating loan in Europe.

scrip, a sum not exceeding seven thousand eight hundred and eighty-five dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1870.

Chap. 192

AN ACT CONCERNING THE STATE MAP.

Be it enacted, &c., as follows :

Secretary to secure copy-right of corrections to State map, &c.

The secretary of the Commonwealth is hereby authorized to secure the copy-right of such corrections as may be added to the state map during the year eighteen hundred and seventy, by Henry F. Walling, the present superintendent of said map, and to modify the existing contract with said Walling for the publication of said map so as to include the term of the new copy-right, and to remove the present restrictions upon the price of said map, as far as the same applies to its public sales.

Approved April 22, 1870.

Chap. 193

AN ACT TO FIX THE TIMES AND PLACES OF HOLDING PROBATE COURTS IN THE COUNTY OF NORFOLK.

Be it enacted, &c., as follows :

Probate courts in Norfolk County.

The sessions of the probate court in the county of Norfolk shall be held at Dedham on the first and third Wednesdays, at Quincy on the second and at Hyde Park on the fourth Wednesday of each and every month except August, instead of at the times and places now required by law.

Approved April 22, 1870.

Chap. 194

AN ACT RELATING TO THE TRUSTEE PROCESS.

Be it enacted, &c., as follows :

Amendment to G. S. 142, § 1.

Proviso.

The words "person" and "corporation" in section one of chapter one hundred and forty-two of the General Statutes shall include non-residents, and corporations established under the laws of other states: *provided* such non-residents and corporations have usual places of business in this Commonwealth.

Approved April 22, 1870.

Chap. 195

AN ACT TO REGULATE THE CLAM FISHERY IN AND AROUND THE SHORES OF PLYMOUTH, KINGSTON AND DUXBURY.

Be it enacted, &c., as follows :

Selectmen may grant licenses to plant and dig clams.

SECTION 1. The selectmen of the towns of Plymouth, Kingston and Duxbury, may, by writing under their hands, grant a license for such a term of years not exceeding five, as they in their discretion may deem necessary and that the public good requires, to any inhabitant of their respective towns, to plant, cultivate and dig clams upon and in any flats and creeks in their respective towns, not, however, impairing the private rights of any person.

SECTION 2. Such license shall describe by metes and bounds the flats and creeks so appropriated, and shall be recorded by the town clerk before it shall have any force; and the person licensed shall pay to the selectmen for their use two dollars, and to the clerk fifty cents.

License to be recorded.

Fees.

SECTION 3. The person so licensed, his heirs and assigns, shall for the purposes aforesaid, have the exclusive use of the flats and creeks described in the license, during the time specified therein, and may in an action of tort recover treble damages of any person who, without his or their consent, digs or takes clams from such flats or creeks during the continuance of the license.

Person licensed may recover damages against trespassers.

SECTION 4. The towns of Plymouth, Kingston and Duxbury, at any legal meeting called for the purpose, may make such by-laws, as they may from time to time deem expedient, to protect and preserve the shell fisheries within said towns respectively: *provided, always*, that no by-laws made as above shall infringe upon the laws of the Commonwealth.

Towns may make by-laws for protection of shell fisheries.

SECTION 5. Whoever takes any shell-fish from within the waters of the said towns of Plymouth, Duxbury and Kingston, in violation of the by-laws established by them respectively, or of the provisions of this act, shall for every offence pay a fine of not less than five or more than ten dollars and cost of prosecution, and one dollar for every bushel of shell-fish so taken, said fine and forfeiture imposed under this act to be recovered by indictment, or by complaint before a trial justice in the county of Plymouth. *Approved April 22, 1870.*

Penalties for violation of by-laws.

AN ACT TO AUTHORIZE TOWNS TO RE-ESTABLISH THE SCHOOL DISTRICT SYSTEM. Chap. 196

Be it enacted, &c., as follows:

SECTION 1. Any town in which the school district system was abolished by chapter one hundred and ten, or by chapter four hundred and twenty-three, of the acts of the year eighteen hundred and sixty-nine, may at a meeting called for the purpose, within two years from the passage of this act, by a vote of two-thirds of the legal voters, present and voting thereon, re-establish such school districts.

School districts may be re-established.

SECTION 2. School districts re-established under the provisions of the first section of this act, shall possess corporate rights and powers, and be subject to liabilities the same as before they were abolished.

—corporate rights and liabilities.

SECTION 3. When any town votes to re-establish its school districts under the provisions of this act, all school district property appraised and taken under the provisions of chapter one hundred and ten or chapter four hundred and twenty-three of the acts of the year eighteen hundred and sixty-nine, which

Property to be re-appraised and restored to districts.

Tax to be levied equal to value of property restored.

Proviso.

is still in the possession of the town and used for public school purposes, may forthwith be re-appraised under the direction of the town and restored to said districts. And at the next annual assessment thereafter, a tax shall be levied and paid into the treasury of the towns, upon each district, equal to the amount of the appraised value of its property thus restored, or the public school property may be divided among the several districts and adjusted in any other manner agreed upon by the town at a legal meeting: *provided*, nothing in this act shall be construed to require an appraisal of school property in towns where the school district property has not been taken, appraised and the value thereof remitted to the several districts as provided by law.

SECTION 4. This act shall take effect upon its passage.

Approved April 22, 1870.

Chap. 197

AN ACT TO ANNEX A PORTION OF THE TOWN OF WESTMINSTER TO THE TOWN OF PRINCETON.

Be it enacted, &c., as follows:

Part of Westminster annexed to Princeton.

SECTION 1. So much of the town of Westminster as is south of the following described line is hereby annexed to the town of Princeton, to wit: beginning at a stake and stones on the line dividing the towns of Westminster and Princeton, and on the northerly side of a road leading from John W. Hadley's house to the town of Leominster; thence east six rods six links; thence south sixty-seven and one-half degrees east twenty-eight rods; thence south eighty-nine and one-half degrees east fourteen rods; thence north eighty-eight degrees east four rods fifteen links; thence south eighty-five and one-half degrees east thirty rods ten links to the line dividing the towns of Westminster and Leominster, meaning to set off to the town of Princeton all that portion of the town of Westminster south of the northerly line of the road leading from John W. Hadley's house to the town of Leominster.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1870.

Chap. 198

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE TAUNTON FEMALE CHARITABLE ASSOCIATION.

Be it enacted, &c., as follows:

May maintain a home for aged and indigent women.

May receive grants, &c., not exceeding \$100,000.

SECTION 1. The Taunton Female Charitable Association, in addition to the powers now vested in said corporation, is hereby authorized to establish and maintain in the city of Taunton a home for the relief of aged and indigent women; and said association is hereby authorized to receive grants, devises and donations, for the use and purposes herein before

specified : *provided*, that the amount of the real and personal estate held by said association shall not exceed in value the sum of one hundred thousand dollars, and that the annual income shall not exceed the sum of ten thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1870.

AN ACT IN RELATION TO A PUBLIC LIBRARY IN HOLYOKE.

Chap. 199

Be it enacted, &c., as follows :

SECTION 1. William Whiting, John E. Chase, Edwin Chase, their associates and successors, are hereby made a corporation by the name of the Holyoke Public Library, for the formation and maintenance of a public library and museum in Holyoke ; with all the powers and privileges, and subject to all the duties and liabilities set forth in all general laws which now are or may hereafter be in force in this Commonwealth, and applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation shall have authority to hold real and personal estate to the amount of one hundred thousand dollars, for the purposes aforesaid, exclusive of books, collections in natural history, and works of art.

Real and personal estate.

SECTION 3. The management and control of the property of said corporation shall be vested in a board of directors, consisting of not less than five in number, to be elected by said corporation, to be citizens of Holyoke and members of said association ; and said board of directors shall have power to adopt all necessary by-laws and regulations for the management of the same, subject to the approval of the corporation.

Directors to manage and control property ;

—to make by-laws, &c.

SECTION 4. So long as said corporation shall allow the inhabitants of the town of Holyoke free access to its library at reasonable hours, for the purpose of using the same on the premises, said town may appropriate and pay annually towards defraying the expenses of maintaining said library and museum, a sum not exceeding one dollar for each of its ratable polls in the year next preceding that in which said appropriation is made.

Town may appropriate for support of library.

SECTION 5. This act shall take effect upon its passage.

Approved April 22, 1870.

AN ACT TO INCORPORATE THE ST. FRANCIS DE SALES SOCIETY OF CHARLESTOWN.

Chap. 200

Be it enacted, &c., as follows :

SECTION 1. John B. Cary, John Cass, P. F. Coffey, their associates and successors, are hereby made a corporation by the name of the St. Francis De Sales Society of Charlestown, for charitable and benevolent purposes ; with all the

Corporators.

Name.

Powers and duties.

powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the General Statutes relating to such corporations.

Real and personal estate.

SECTION 2. Said corporation may hold for the purposes aforesaid, real and personal estate to the amount of fifteen thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved April 22, 1870.

Chap. 201 AN ACT TO ESTABLISH THE DISTRICT COURT OF NORTHERN BERKSHIRE.
Be it enacted, &c., as follows :

District court of Northern Berkshire established;

SECTION 1. A court is hereby established in the town of Adams, under the name of the District Court of Northern Berkshire, and the towns of Adams, Clarksburg, Savoy, Florida and Cheshire, shall constitute a judicial district under the jurisdiction of said court. Said court shall, except as is hereinafter provided, have the same jurisdiction, power and authority, shall perform the same duties and be subject to the same regulations as are provided in respect to existing police courts, except the municipal courts of Boston and Worcester, by chapter one hundred and sixteen of the General Statutes and by all general laws passed in amendment thereof, applicable to the several police courts of the Commonwealth, and all provisions of law relating to criminal and civil proceedings, the taxation of costs, the payment of fines, the expenses of court, the accounting and settling with county and town for money paid into court as forfeitures or otherwise, and all other returns and requirements of law applicable to the several police courts of the Commonwealth, except those before mentioned, shall apply to the district court of Northern Berkshire hereby established.

—to consist of one standing justice and two special justices.

SECTION 2. Said court shall consist of one standing justice and two special justices, to be appointed, commissioned and qualified pursuant to the constitution and laws of the Commonwealth.

Clerk to be appointed by governor.

SECTION 3. A clerk of said court shall be appointed and commissioned by the governor, and shall faithfully perform all services required by law of the clerks of like courts in this Commonwealth.

Either justice may issue warrants. Fees not allowed for warrants issued by justice of the peace.

SECTION 4. Either of the justices of said court may issue warrants in all proper cases. No justice of the peace shall hereafter be allowed any fees for warrants issued within said district, and all warrants so issued shall be made returnable before said court.

Courts for criminal business;

SECTION 5. A court shall be held in some suitable place or places, to be furnished by the county of Berkshire in said Adams, for criminal business daily, except on Sundays and

legal holidays, at nine o'clock in the forenoon, and in the afternoon whenever it appears expedient to said justice. The court shall be held for civil business weekly at the north village of said Adams, and on the first Wednesday in each month at the south village of said Adams.

—for civil business.

SECTION 6. The standing justice of said court shall receive an annual salary of twelve hundred dollars, to be paid from the treasury of the Commonwealth; the compensation of the special justices shall be determined and paid in the manner now provided by law for special justices of police courts; and the clerk of said court shall receive an annual salary of four hundred dollars, to be paid from the treasury of the Commonwealth.

Salaries of justices and clerk.

SECTION 7. Said court shall also have original concurrent jurisdiction with the superior court in the county of Berkshire, in all personal actions in which the debt or damages demanded, or property replevied, does not exceed in amount or value three hundred dollars. And on the return day of the writ, either party may demand a trial by jury, which shall be granted by said court. If neither party demand a trial by jury, the right to have such trial shall be taken to be waived. The jury trial shall be had in accordance with the provisions of chapter one hundred and thirty-two of the General Statutes. The judgment of said court in all personal actions in which the title to real estate is not put in issue by the pleadings, shall be final.

Jurisdiction.

Trial by jury.

SECTION 8. All cases pending at the time this act shall take full effect, whether civil or criminal, in the police court of the town of Adams, shall be transferred to and have day in the proper day and term of the district court of northern Berkshire, and all writs, processes, complaints, petitions and proceedings whatever, which are made returnable to or to be entered in said police court, shall be returnable to, entered and have day in the proper day and term of said district court, and all judicial writs and processés, and copies founded upon the records of said police court, shall issue under the seal of said district court, in like manner and to the same effect as the same might have issued from said police court if this act had not passed; and all writs and processes may be made returnable to the several days and terms of said police court till this act shall take full effect, and then all such writs and processes shall be made returnable to the days and terms herein established.

Cases pending in police court of Adams to be transferred to district court.

SECTION 9. The records of the said police court of the town of Adams shall be placed and remain in the custody of the clerk of the said district court of Northern Berkshire.

Police court records to be transferred to district court.

Laws establishing police court repealed.

SECTION 10. All laws establishing the police court of Adams, or giving jurisdiction to said court, except so far as it may be necessary that the same should be supported for the purposes of this act, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed from the day this act shall take full effect; and if on said day any term of said police court should be in session, or shall have been adjourned to a future day, the remainder of said term may be held by the justice of said district court.

Proceedings commenced before act takes effect, to be finished by justices, &c.

SECTION 11. All proceedings duly commenced before any trial justice or justice of the peace for the county of Berkshire within said district before this act shall take full effect, shall be prosecuted and determined as if this act had not been passed.

Writ or civil process from district court not to run into other county, except, &c.

SECTION 12. No writ or process issued by said district court in civil actions or proceedings shall run into or be served in any county other than Berkshire County, except as provided in section seven of chapter one hundred and twenty and in section seventy-seven of chapter one hundred and forty-two of the General Statutes. And in all civil actions in said court wherein the writ or process is served upon the defendant in any county other than Berkshire County, except as above provided, if the plaintiff finally recovers a sum not exceeding twenty dollars for debt or damages he shall be entitled to no costs, except as provided in the following section, but the defendant shall recover the costs to which he would have been entitled if he had been the prevailing party.

Costs, where writ is served upon defendant in another county, and plaintiff recovers not more than \$20.

Costs where plaintiff recovers more than \$20.

SECTION 13. If the plaintiff's claim, in a writ served upon the defendant out of Berkshire County, as established on the trial, exceeds twenty dollars and is reduced to that amount or less, or is overbalanced by set-offs which could not have been proved in payment, it shall be considered, for the purposes of the preceding section, as having exceeded twenty dollars, and the party who finally recovers judgment in the suit shall be entitled to his costs.

Justice may retain fees to amount paid for services of special justices. Proviso.

SECTION 14. The justice of said district court may retain to his own use, from the fees received in said court, all sums paid by him for the services of any special justices: *provided*, the sum so retained shall not in any one year exceed eight per centum of the annual salary of such justice. But no justice or clerk of said court shall receive any compensation, besides his regular salary or allowance, for making or issuing in any capacity complaints, warrants, subpoenas or other process which he is by law authorized to issue, or for any ser-

vice performed by him in the discharge of his official duties in said court.

SECTION 15. This act shall take effect, so far as appointing, commissioning and qualifying the standing justice, special justices and clerk of said district court are concerned, upon its passage, and it shall take full effect on the first day of June next.

When Act takes effect.

Approved April 25, 1870.

AN ACT TO ESTABLISH THE DISTRICT COURT OF SOUTHERN BERKSHIRE.

Chap. 202

Be it enacted, &c., as follows :

SECTION 1. A court is hereby established in the town of Great Barrington, under the name of the District Court of Southern Berkshire, and the towns of Sheffield, Great Barrington, Egremont, Alford, Mount Washington, Monterey, and New Marlborough, shall constitute a judicial district under the jurisdiction of said court. Said court shall, except as is hereinafter provided, have the same jurisdiction, power and authority, shall perform the same duties, and be subject to the same regulations as are provided in respect to existing police courts, except the municipal courts of Boston and Worcester, by chapter one hundred and sixteen of the General Statutes, and by all general laws passed in amendment thereof, applicable to the several police courts of the Commonwealth; and all provisions of law relating to criminal and civil proceedings, the taxation of costs, the payment of fines, and expenses of court, the accounting and settling with county and towns for money paid into court as forfeitures or otherwise, and all other returns and requirements of law applicable to the several police courts of the Commonwealth, except those before mentioned, shall apply to the district court of Southern Berkshire hereby established.

District court of Southern Berkshire established

SECTION 2. Said court shall consist of one standing justice and two special justices, to be appointed, commissioned and qualified pursuant to the constitution and laws of the Commonwealth. The standing justice shall receive an annual salary of twelve hundred dollars, to be paid from the treasury of the Commonwealth; and the compensation of the special justices shall be determined and paid in the manner now provided by law for special justices of police courts. The duties required by law of the clerks of like courts in this Commonwealth shall be performed by the standing justice of said court.

—to consist of one standing justice and two special justices.

Salaries.

Duties of clerk to be done by standing justice.

SECTION 3. Either of the justices of said court may issue warrants in all proper cases. No justice of the peace shall hereafter be allowed any fees for warrants issued within said

Either justice may issue warrants.

district, and all warrants so issued shall be made returnable before said court.

Courts for criminal and civil business.

SECTION 4. A court shall be held in some suitable place to be furnished by the county of Berkshire, in said Great Barrington, for criminal business daily, except on Sundays and legal holidays, at nine o'clock in the forenoon, and for civil business weekly, on Saturday, at ten o'clock in the forenoon. The standing justice shall have power to make all proper rules for the conduct of the business of said court and to establish a seal for said court.

Jurisdiction.

SECTION 5. Said court shall also have original concurrent jurisdiction with the superior court in the county of Berkshire in all personal actions in which the debt or damages demanded or property replevied does not exceed in amount or value three hundred dollars. And on the return day of the writ, either party may demand a trial by jury, which shall be granted by said court. If neither party demand a trial by jury, the right to have such trial shall be taken to be waived. The jury shall be had in accordance with the provisions of chapter one hundred and thirty-two of the General Statutes. The judgment of said court in all personal actions in which the title to real estate is not put in issue by the pleadings shall be final.

Proceedings commenced before justices, &c., before Act takes effect, how prosecuted, &c.

SECTION 6. All proceedings duly commenced before any trial justice or justice of the peace for the county of Berkshire within said district, before this act shall take full effect, shall be prosecuted and determined as if this act had not been passed, and except as herein provided the jurisdiction of trial justices and justices of the peace shall be excluded within the judicial district created by this act.

Writ or civil process from district court not to run into other county, except, &c.

SECTION 7. No writ or process issued by said district court in civil actions or proceedings shall run into or be served in any county other than Berkshire County, except as provided in section seven of chapter one hundred and twenty, and in section seventy-seven in chapter one hundred and forty-two of the General Statutes. And in all civil actions in said court wherein the writ or process is served upon the defendant in any county other than Berkshire County, except as above provided, if the plaintiff finally recovers a sum not exceeding twenty dollars for debt or damages, he shall be entitled to no costs, except as provided in the following section, but the defendant shall recover the costs to which he would have been entitled had he been the prevailing party.

Costs, where writ is served upon defendant in another county, and plaintiff recovers not more than \$20.

Costs where plaintiff recovers more than \$20.

SECTION 8. If the plaintiff's claim, in a writ served upon the defendant out of Berkshire County, as established on the trial, exceeds twenty dollars and is reduced to that amount

or less, or overbalanced by set-offs which could not have been proved in payment, it shall be considered, for the purposes of the preceding section, as having exceeded twenty dollars, and the party who finally recovers judgment in the suit, shall be entitled to his costs.

SECTION 9. The justice of said district court may retain for his own use from the fees received in said court all sums paid by him for the services of any special justice ; but no justice of said court shall receive any compensation besides his regular salary or allowance for making or issuing in any capacity complaints, warrants, subpoenas or other process which he is by law authorized to issue, or for any service performed by him in the discharge of his official duties in said court.

Justice may retain fees to amount paid for services for special justices. *Proviso.*

SECTION 10. This act shall take effect, so far as the appointing, commissioning and qualifying the justices of said district court are concerned, upon its passage, and it shall take full effect on the first day of July next.

When Act takes effect.

Approved April 25, 1870.

AN ACT IN RELATION TO ACTING ASSISTANT CLERKS OF COURTS.
Be it enacted, &c., as follows :

Chap. 203

SECTION 1. In any court of record in this Commonwealth for which no assistant clerk is provided by law, the acting assistant clerk being approved and sworn as such by the presiding justice at any term of such court, shall, in the absence of the clerk of said court, be deemed to be the clerk for the performance of all official duties during said term.

Acting assistant clerks of courts, may be appointed in absence of clerks.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1870.

AN ACT TO AUTHORIZE THE FITCHBURG SAVINGS BANK TO HOLD REAL ESTATE.

Chap. 204

Be it enacted, &c., as follows :

SECTION 1. The Fitchburg Savings Bank is hereby authorized to hold real estate to the amount of one hundred and twenty-five thousand dollars : *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building, to be used in whole or in part for banking purposes ; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

May invest \$125,000 in real estate for a banking house.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1870.

Chap. 205

AN ACT RELATING TO THE SALE AND WEIGHING OF COAL.
Be it enacted, &c., as follows:

Coal to be sold
by weight, two
thousand
pounds to the
ton.

SECTION 1. All anthracite, bituminous or mineral coal shall hereafter be sold by weight, and except when sold by the cargo, two thousand pounds avoirdupois shall be the standard for the ton by which the same shall be weighed and sold.

Coal to be
weighed by
sworn weigh-
ers.

SECTION 2. The mayor and aldermen or selectmen of every place where such coal is sold, shall appoint suitable persons, one or more of whom shall not be engaged in the business of selling coal, to be weighers of coal, who shall be sworn, and be removable at the pleasure of the board appointing them, and all coal shall be weighed by such sworn weighers.

Record to be
kept, and cer-
tificates of
weight to be
given.

SECTION 3. On or before the delivery of any such coal to a purchaser, the seller shall cause the same to be weighed by a sworn weigher of the place in which the same is sold or delivered, who shall keep a record thereof for the use of both parties, and a certificate of the weight thereof, signed by such weigher, when so requested, shall be delivered to the purchaser or his agent at the time of the delivery of the coal.

Purchaser of
five hundred
pounds of coal
may have it
weighed by a
sworn weigher
other than the
seller.

SECTION 4. When the purchaser of coal, in quantities of five hundred pounds or more, shall so request before the delivery thereof, the seller shall cause the same to be weighed by a sworn weigher, not the seller nor in his employ, and not engaged in the business of selling coal, and a certificate of the weight thereof shall be delivered, signed by such weigher, to the purchaser or his agent at the time of the delivery of the coal. The fees for such weighing to be paid by the purchaser.

Fees to be paid
by purchaser.

Penalty for
fraud by seller.

SECTION 5. Any fraud or deceit in the weight of coal on the part of the seller, or those employed by him to sell, weigh or deliver the same, shall be punished by a fine of not less than twenty-five dollars, and not more than seventy-five dollars for each offence.

Penalties.

SECTION 6. Whoever violates any of the provisions of the first, second, third and fourth sections of this act, shall be punished by a fine of not less than twenty-five dollars, and not more than seventy-five dollars for each offence.

Repeal.

SECTION 7. Sections one hundred and eighty-seven, one hundred and eighty-eight, one hundred and eighty-nine and one hundred and ninety of chapter forty-nine of the General Statutes, and chapter one hundred and ninety-one of the acts of the year one thousand eight hundred and sixty-five are hereby repealed.

Approved April 28, 1870.

AN ACT RELATING TO SENTENCES IN CRIMINAL CASES.

Chap. 206

Be it enacted, &c., as follows :

SECTION 1. When the punishment of solitary imprisonment and confinement at hard labor for a term not exceeding five years, is awarded by the court, against a convict, such sentence may be executed either in the house of correction, jail, or state prison.

Sentences for five years imprisonment may be executed in jail, State prison or house of correction.

SECTION 2. Section sixteen of chapter one hundred and seventy-four of the General Statutes, is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved April 28, 1870.

AN ACT CONCERNING SIDEWALKS IN THE CITY OF CHELSEA.

Chap. 207

Be it enacted, &c., as follows :

SECTION 1. The mayor and aldermen of the city of Chelsea are hereby authorized to construct sidewalks, and to complete any partially constructed sidewalk, with edge stones, in said city, and to cover the same with brick, flat stones, concrete or other appropriate material ; and the expense of such edge stones and covering material shall be assessed upon the abutters in just proportions, and shall constitute a lien upon the abutting lots of land, and be collected in the same manner as taxes on real estate are now collected ; and such sidewalks, when constructed, shall thereafter be maintained at the expense of said city.

Sidewalks may be constructed in Chelsea, and expense assessed upon abutters.

SECTION 2. This act shall take effect whenever the city council of said city shall by a two-thirds vote of each branch thereof, accept the same.

Subject to acceptance by city council.

Approved April 28, 1870.

AN ACT CONCERNING TRAVEL ON HAVERHILL BRIDGE.

Chap. 208

Be it enacted, &c., as follows :

SECTION 1. No person shall ride or drive any horse, or mule, on or over any part of Haverhill Bridge, in the county of Essex, at a rate faster than a walk.

Not to drive over bridge faster than a walk.

SECTION 2. Whoever violates the provisions of section one of this act, shall forfeit the sum of one dollar for each and every offence, for each and every horse or mule so ridden or driven.

Penalty for violation.

SECTION 3. The city of Haverhill shall, within ten days after this act shall take effect, cause to be posted and kept up, in a conspicuous place at the northerly end of said bridge, a painted board, with a white ground, containing in black letters the substance of said section one, and the town of Bradford shall cause a similar notice to be posted and kept up at the southerly end of said bridge ; and said city or town neglecting so to post and keep up the required notice shall

Haverhill and Bradford to post notices, under penalty.

forfeit and pay, for each day's neglect, the sum of ten dollars to the use of the county.

Approved April 28, 1870.

Chap. 209 AN ACT TO AUTHORIZE THE CITY OF LYNN TO PROVIDE FOR THE PAYMENT OF ITS MUNICIPAL DEBT.

Be it enacted, &c., as follows :

May raise money annually by taxation for a sinking fund for redemption of bonds.

SECTION 1. The city of Lynn is hereby authorized to raise by taxation, upon the polls and estates in said city, a sum not less than ten thousand dollars, nor more than twenty thousand dollars, annually, until the maturity of the bonds hereafter mentioned, which said sum, with the interest and accumulations thereon, shall constitute a sinking fund for the redemption, at maturity, of that portion of the bonds of said city, issued prior to the passage of this act, and for the payment of which no provision has heretofore been made; and said sinking fund shall be appropriated and pledged to the payment and redemption of said bonds and for no other purpose, until the same shall have been fully redeemed.

Three commissioners to be appointed to have charge of fund;

SECTION 2. The city council of said city, by the concurrent vote of the two branches thereof, is hereby authorized to appoint three commissioners of said sinking fund, who shall have the care and management of all the moneys, funds and securities at any time belonging to said sinking fund, and who also shall, from time to time, invest the same in the bonds of said city, the public securities of the United States, either of the New England states, or of the state of New York, or of the counties, cities and towns of this Commonwealth, or in loans secured by mortgage of real estate; and they may sell, transfer and re-invest from time to time the stock and securities belonging to said fund.

—to keep record of proceedings, and report annually to city council;

SECTION 3. Said commissioners shall keep a true record of all their proceedings, and shall annually, in the month of January, make a report in writing to the city council of said city, of the amount and condition of said fund, and the income thereof for the year; which record, and all the securities belonging to said fund, shall at all times be open to the inspection of the mayor, or any committee of either branch of the city council of said city appointed for that purpose.

—term of office, vacancies, &c.

SECTION 4. At the first election of commissioners, one shall be chosen to hold office for the term of three years, one for the term of two years, and one for the term of one year, and in each year thereafter one commissioner shall be chosen to hold office for three years; and in case of a vacancy by death, resignation or otherwise, such vacancy shall be filled by the choice of some person to hold office during the unexpired term. The necessary expenses of said commissioners

Expenses.

shall be paid by said city, but they shall receive no compensation for their services.

No compensation.

SECTION 5. The balance of said sinking fund, if any there be, after the payment of said bonds, shall be paid into the treasury of said city.

Balance of fund to be paid into the treasury.

Approved April 28, 1870.

AN ACT TO AUTHORIZE THE METROPOLITAN RAILROAD COMPANY TO CROSS THE BOSTON AND ALBANY RAILROAD, IN BROOKLINE, WITH ITS TRACKS AT GRADE.

Chap. 210

Be it enacted, &c., as follows :

SECTION 1. The Metropolitan Railroad Company may lay street railway tracks, when the same shall have been duly located by the selectmen of the town of Brookline, upon the highway in Brookline, called Beacon street, across the tracks of the Boston and Albany Railroad, at a level therewith, anything in chapter two hundred and forty of the acts of the year eighteen hundred and sixty-six, and chapter one hundred and sixty-five of the acts of the year eighteen hundred and sixty-nine to the contrary notwithstanding.

May lay street railway in Beacon Street, Brookline, across Boston and Albany Railroad at grade.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1870.

AN ACT TO AUTHORIZE THE TOWN OF PROVINCETOWN TO TAKE STOCK IN A STEAMBOAT COMPANY.

Chap. 211

Be it enacted, &c., as follows :

SECTION 1. The town of Provincetown is hereby authorized to subscribe for and hold shares of the capital stock, or the securities of any steamboat company, which shall be organized under the laws of this Commonwealth, for the transportation of passengers and freight between Provincetown and Boston, either by running direct, or to Plymouth or Duxbury, there to connect with railroads running to Boston, to an amount not exceeding three per centum of the assessed valuation of said town for the year in which the subscription is made : *provided*, that two-thirds of the legal voters of said town present and voting by ballot and using the check-list at a legal town meeting duly called for such purpose, shall vote to subscribe for such shares or securities ; and *provided further*, that the aggregate amount of all subscriptions of said town for any such purposes shall not exceed three per centum of its assessed valuation.

May take stock in steamboat company for transportation of passengers and freight.

Provisos.

SECTION 2. Said town is authorized to pay for said shares or securities out of its treasury, and may raise by loan upon bonds or tax or otherwise, any and all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property ; and the selectmen of the town, or some agent specially chosen for the pur-

May raise money by bonds or tax to pay for stock.

Selectmen to represent town at meetings of stockholders.

pose, shall have authority to represent the town at all meetings of the stockholders for the purpose of organizing said corporation, and at all future meetings of said corporation, and vote in behalf of said town upon the whole amount of stock so held by said town.

SECTION 3. This act shall take effect upon its passage.

Approved April 28, 1870.

Chap. 212 AN ACT TO AUTHORIZE JOHN H. COGSWELL AND RICHARD T. DODGE TO EXTEND THEIR WHARVES IN IPSWICH.

Be it enacted, &c., as follows :

May extend
wharves in
Ipswich.

SECTION 1. License is hereby granted to John H. Cogswell and Richard T. Dodge, or either of them, or their assigns, to enlarge their wharves in the town of Ipswich, by extending the south-westerly end of the Cogswell wharf south-westerly thirty-eight feet to a certain line drawn south-easterly from the Ledge ninety-five feet, to a point near low-water mark; also to extend the same on the south-easterly side twelve feet, towards the channel of the river, to a line drawn straight from the last named point north-easterly two hundred feet to a point twelve feet south-east of the easterly corner of the Dodge wharf; and also to extend the Dodge wharf on the north-easterly side thereof two hundred and forty-five feet in a north-easterly direction, to the road leading to the shipyard: *provided*, that this license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years after its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1870.

Chap. 213 AN ACT TO INCORPORATE THE TOWN OF GAY HEAD.

Be it enacted, &c., as follows :

Town of Gay
Head incorpo-
rated.
District abol-
ished.

SECTION 1. The district of Gay Head is hereby abolished, and the territory comprised therein is hereby incorporated into a town by the name of Gay Head. And said town of Gay Head is hereby invested with all the powers, privileges, rights and immunities, and subject to all the duties and requisitions to which other towns are entitled and subject by the constitution and laws of this Commonwealth.

Common lands,
fishing rights,
&c., transferred
to town.

SECTION 2. All common lands, common funds, and all fishing and other rights held by the district of Gay Head are hereby transferred to the town of Gay Head, and shall be owned and enjoyed as like property and rights of other towns are owned and enjoyed.

SECTION 3. Any justice of the peace of the county of Dukes-county, may issue his warrant directed to any principal inhabitant of the town of Gay Head, requiring him to notify and warn the inhabitants thereof qualified to vote in district affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings, and said warrant shall be served by publishing a copy of the same in some newspaper printed in the county of Dukes-county and by posting up copies thereof attested by the person to whom the same is directed, in three public places in said town, seven days at least before such time of meeting. Such justice, or in his absence such principal inhabitant, shall preside until the choice of a moderator in said meeting. At such meeting all inhabitants of said town qualified to vote in district affairs may vote, and no check-list shall be required for any purpose.

Warrant for first meeting for election of town officers.

SECTION 4. The said town shall be and form a part of the same representative, senatorial, councillor and congressional district as the town of Chilmark until legally changed.

To form part of same district as Chilmark.

SECTION 5. The county commissioners of Dukes-county, shall as soon as may be after the passage of this act, proceed to lay out and construct a road from the line of Chilmark and Gay Head to the light-house on Gay Head, and may appropriate such sum from the funds of the county as may be necessary to defray the expense of the same; and the sum actually expended for that purpose shall be reimbursed from the treasury of the Commonwealth: *provided*, the same shall not exceed the sum of five thousand dollars.

County commissioners to construct a road.

Expense not exceeding \$5,000, to be reimbursed by the State.

SECTION 6. The judge of probate of the county of Dukes-county, upon the application of the selectmen of Gay Head, or of any ten resident owners of land therein, after such notice as the judge may direct to all parties interested and a hearing on the same, if he shall adjudge that it is for the interest of said parties that any or all of the common lands of said town be divided, shall appoint two discreet, disinterested persons commissioners to make partition of the same, and their award, being confirmed by said court, shall be final in the premises; but if he shall adjudge that it is for the interest of said parties that the same, or a part of the same, be sold, he shall direct the said commissioners, after they shall have given such bonds as the court may require, to proceed to sell any or all of said lands, and to pay the proceeds thereof to the treasurer of said town; and the said judge of probate shall direct the said commissioners to examine and define the boundaries of the lands rightfully held by individ-

Common lands may be divided by commissioners appointed by the judge of probate.

Commissioners to define boundaries of lands held by individual owners.

ual owners, and to properly describe and set forth the same in writing, and the title and boundaries thus set forth and described, being approved by the court, shall be final in the premises ; and the same, together with all deeds of partition, division or sale made by such commissioners shall be recorded in the registry of deeds in the county, and the expenses of said commissioners, including the cost of recording said deeds, the same being approved by the judge of probate, shall be paid out of the treasury of the Commonwealth, the same being also approved by the governor and council ; and the governor is hereby authorized to draw his warrant accordingly. Any person aggrieved by any order, decree or denial of the judge of probate under this act, shall have the same right of appeal, under the same rules and regulations as provided for in chapter one hundred and seventeen of the General Statutes : *provided*, that the attested copies and notices required to be given by said chapter shall be served upon such parties as the judge of probate shall direct.

Right of appeal from order, &c., of judge of probate.

Support of schools.

SECTION 7. All sums of money payable to the selectmen or treasurer of the district of Gay Head, under chapter thirty-six of the General Statutes, for the support of schools, shall hereafter be paid to the treasurer of the town of Gay Head, to be expended in accordance with section four of said chapter. This section shall continue in force for five years.

SECTION 8. This act shall take effect upon its passage.

Approved April 30, 1870.

Chap. 214

AN ACT TO INCORPORATE THE LANCASTER RAILROAD COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Solomon H. Howe, Jacob Fisher, George A. Parker, their associates and successors, are hereby made a corporation by the name of the Lancaster Railroad Company ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to railroad corporations.

Name and purpose. Powers and duties.

May maintain railroad from Worcester and Nashua Railroad in Lancaster to the Lancaster and Sterling Branch of the Fitchburg Railroad.

May enter upon and unite with Worcester and Nashua and Sterling Branch Railroads.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, with one or more tracks, commencing at some convenient point on the Worcester and Nashua Railroad, in the town of Lancaster, and thence running by some convenient route through the towns of Bolton, Stow, Acton and Hudson, or any of them, to some point on the Lancaster and Sterling Branch of the Fitchburg Railroad Company ; and may enter with its road upon, unite with and use the road of the Worcester and Nashua Railroad Company, and the Lancaster and Sterling branch of the Fitchburg Railroad Company, subject to the provisions of the gen-

eral laws : and *provided*, that if said corporation shall locate and construct any part of its road within the town of Hudson, the Massachusetts Central Railroad Company may enter with its road upon, and unite with and use the same, and run their locomotives and cars thereon, upon such terms as may be mutually agreed upon by said companies ; or, in case of a failure to agree, upon such terms as may be prescribed by the board of railroad commissioners, whose duty it is hereby made to determine the same in case of such failure to agree.

SECTION 3. Said corporation may sell or lease its road, franchise and other property to the Massachusetts Central Railroad Company, and said last named company may purchase or hire the same, and under such purchase shall enjoy and succeed to all the rights, powers and privileges, and be subject to all the duties and liabilities of said corporation.

SECTION 4. The capital stock of said corporation shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, the number of which shall be determined from time to time by its directors.

SECTION 5. This act shall take effect upon its passage, and shall be void unless said railroad shall be located within two years, and constructed within four years from the passage hereof.

Approved April 30, 1870.

Proviso.

May sell or lease to Massachusetts Central Railroad Company.

Capital stock and shares.

To be located within two years and constructed within four years.

AN ACT REPEALING CERTAIN PROVISIONS RESPECTING ALIEN PASSENGERS, AND RE-ENACTING OTHERS.

Chap. 215

Be it enacted, §c., as follows :

SECTION 1. Chapter one hundred and sixty of the acts of eighteen hundred and sixty-five is hereby repealed, and sections sixteen, seventeen and eighteen of chapter seventy-one of the General Statutes are hereby reënacted.

Re-enactment of G. S. 71, §§ 16, 17, 18.

SECTION 2. This act shall take effect upon the first day of May, in the year one thousand eight hundred and seventy.

Approved May 5, 1870.

AN ACT IN ADDITION TO "AN ACT FOR SUPPLYING THE CITY OF CHARLESTOWN WITH PURE WATER."

Chap. 216

Be it enacted, §c., as follows :

SECTION 1. The city of Charlestown is hereby authorized to locate and lay a second line of force and supply mains or aqueducts from the engine house of the Charlestown water works in Somerville, to the city of Charlestown, and to enlarge its present engine house, or make such additions thereto as may hereafter in the opinion of said city become necessary, and to take and to hold by purchase or otherwise, any land, real estate, or water rights, necessary for erecting, laying and maintaining the same. And for the purposes afore-

Charlestown may lay additional line of mains from water works in Somerville.

said, said city may carry and conduct any aqueduct or other works by it to be made and constructed, over or under any water course or any street, turnpike, road, highway or other way, in such manner as not to obstruct or impede travel thereon, or the free flow of water therein, and may enter upon and dig up any such land, street or way as may be necessary for the purpose of laying down such aqueducts or other works, and for maintaining or repairing the same.

Mystic Water Board to govern by rights, &c., named in 1861, 105, § 3.

SECTION 2. The Mystic Water Board of said city shall have, exercise, and are hereby vested with, all the rights, privileges and authority, and be subject to all the provisions and restrictions as the commissioners named in section three of chapter one hundred and five of the acts of the year eighteen hundred and sixty-one.

Liability of city of Charlestown for damages.

SECTION 3. The said city shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land, water, or water rights, or by the constructing of any aqueducts or other works for the purposes of this act; and any owner or party who shall sustain damages by the doings of said city under this act, shall have the like remedy, and like proceedings shall be had, whether by the party sustaining damages as aforesaid, or by the said city of Charlestown, as is provided in said chapter one hundred and five of the acts of the year eighteen hundred and sixty-one.

"Water Bonds of the City of Charlestown," not exceeding \$300,000, may be issued to defray expenses.

SECTION 4. For the purpose of defraying the costs and expenses incurred by said city in the extension of the water works, the city council of said city of Charlestown is hereby authorized to issue from time to time, scrip, notes or certificates of debt, to be denominated on the face thereof, "Water Bonds of the City of Charlestown," to an amount not exceeding three hundred thousand dollars, bearing interest at a rate not exceeding the legal rate of interest in this Commonwealth, which shall be redeemable at a period of time not less than ten nor more than thirty years from and after the issue thereof. And said city council may sell the same, or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as said city council shall judge proper.

Hydrants to be erected along the line of new aqueduct.

SECTION 5. The said city of Charlestown shall erect proper hydrants in number equal to one for every five hundred feet of such new aqueduct, and in any event to the number of twenty in the town of Somerville, along the line of said new aqueduct or elsewhere in the pipes connecting therewith, as the water committee of the town of Somerville

and the selectmen of the town of Medford shall direct; and said towns of Somerville and Medford shall at all times maintain said hydrants, and draw water therefrom, without charge therefor, for the extinguishment of fires, under such regulations as the city of Charlestown may from time to time establish under authority of this act. And for this purpose there shall be allowed to said town of Somerville by the said city of Charlestown, in the settlement for water for hydrants under the contract now existing between said city of Charlestown and town of Somerville, the sum of twenty-eight dollars for each hydrant thus erected in said town.

SECTION 6. The provisions of section twelve of chapter one hundred and five of the acts of the year eighteen hundred and sixty-one, and any by-laws or ordinances passed by said city in pursuance thereof, are hereby extended and made applicable to any and all the additional works constructed under the provisions of this act.

Provisions of 1861, 105, § 12, and by-laws, &c., made applicable to the additional works.

SECTION 7. This act shall take effect upon its passage.

Approved May 5, 1870.

AN ACT CONCERNING CHOSSES IN ACTION SOLD OR ASSIGNED BY BANKS WHOSE CHARTERS HAVE EXPIRED.

Chap. 217

Be it enacted, &c., as follows:

SECTION 1. Suits upon chosses in action arising out of contract, sold or assigned by any bank heretofore existing in this Commonwealth, but whose charter has now expired, may be brought or prosecuted in the name of the purchaser or assignee. The fact of sale and of purchase by the plaintiff shall be set forth in the writ or other process, and the defendant may avail himself of any matter of defence of which he might have availed himself in a suit upon the claim by such bank had its charter not expired.

Purchaser may bring suit upon choss in action arising out of contract sold by bank whose charter has expired.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1870.

AN ACT IN RELATION TO SEALING WEIGHTS AND MEASURES.

Chap. 218

Be it enacted, &c., as follows:

SECTION 1. All persons using scales, weights, measures or milk-cans, for the purpose of selling any goods, wares, merchandise or other commodities, shall have them adjusted, sealed and recorded by the sealer of weights and measures in the city or town in which they reside or have their usual place of business, and shall thereafter be responsible for the correctness and exactness of the same: *provided, however*, that they shall have the right to have such scales, weights, measures and milk-cans tested and adjusted at the office of

Scales, weights, measures and milk-cans to be adjusted by sealer.

Person using to be responsible for correctness. *Provido.*

the sealer of weights and measures whenever they desire to do so.

Sealer to adjust hay and coal scales, &c. at least once each year.

SECTION 2. The sealers of weights and measures in each city and town shall go once a year, and oftener if necessary, to every hay and coal scale, dormant or other platform balance, within said city or town that cannot be easily or conveniently removed, and test the accuracy of and adjust and seal the same.

Persons using scales, &c., may have them tested at office of sealer.

SECTION 3. All persons using any scales, weights, measures or milk-cans, for the purpose of buying or selling any commodity, may have the same tested and sealed by the sealer of weights and measures in the city or town where they reside or have their usual place of business, at his office, whenever they desire to have it done.

If complaint is made, sealer to test scale, &c.

SECTION 4. Whenever a complaint is made to a sealer of weights and measures under oath, by any person, that he has reasonable cause to believe that any scale, weight or measure used in the sale of any commodity within the city or town, is incorrect, the said sealer shall go to the place where such scale, weight or measure is, and test and mark the same according to the result of the test applied thereto, and if the same be incorrect and cannot be adjusted, the said sealer shall attach a notice thereto certifying the fact and forbidding the use thereof until the same has been made to conform to the authorized standard. Any person using any scales, weights or measures after a sealer of weights and measures has demanded permission to test the same, and has been refused such permission, shall be liable to the same penalties as if he had knowingly used a false scale, weight or measure.

Penalty for using incorrect scale or using same after refusing sealer permission to test.

Scales that cannot be made to conform to standard to be condemned.

SECTION 5. All scales, weights and measures that cannot be made to conform to the standard shall be stamped "Condemned" or "CD." by the sealer of weights and measures; and no person shall thereafter use the same for weighing or measuring any commodity sold or exchanged, under the penalties provided in the case of the use of false weights and measures.

Compensation of sealer.

SECTION 6. Every sealer of weights and measures shall receive such compensation for his services as may be fixed by the city or town within which he is appointed, and no fees shall be charged for any official duty he may perform.

Law to be advertised in every city and town in January and July.

SECTION 7. Every city and town shall within the first ten days of January and July in each year, advertise the several sections of this act, by publishing them in some newspaper printed in such city or town, or by posting them up in one or more public places therein.

SECTION 8. This act shall take effect upon its passage.

Approved May 6, 1870.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF ESSEX TO LAY OUT A HIGHWAY AND CONSTRUCT A BRIDGE ACROSS THE MERRIMAC RIVER.

Chap. 219

Be it enacted, &c., as follows :

SECTION 1. The county commissioners of the county of Essex are hereby authorized and required, within two years from the passage of this act, to lay out a highway and construct a bridge and suitable draw across the Merrimac river, in the towns of Groveland and Haverhill, near the Chain Ferry, so called.

Commissioners to construct bridge across Merrimac River between Groveland and Haverhill;

SECTION 2. Said commissioners in laying out and constructing said highway and bridge, shall in all respects proceed as is now provided by law for laying out and constructing highways, and shall, after due public notice and hearing, of all parties in interest, proceed to determine and award what cities and towns in said county receive particular and special benefit from the construction and maintenance of said road and bridge, and to apportion and assess upon said county and such cities and towns, and in such manner and amount, as they shall deem equitable and just, the cost of construction and maintenance of such road, bridge and draw.

—to proceed as in laying out highways;

SECTION 3. The county commissioners of the said county of Essex are hereby authorized to hire such sums of money as may be necessary to comply with the provisions of this act.

—may hire money for the purpose.

SECTION 4. All things done under this act, in the construction of the bridge and draw, shall be subject to the determination and approval of the harbor commissioners, as provided in section four, of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six.

Subject to control of harbor commissioners.

SECTION 5. This act shall take effect upon its passage.

Approved May 6, 1870.

AN ACT IN ADDITION TO AN ACT TO AUTHORIZE THE CITY OF BOSTON AND THE TOWN OF WEST ROXBURY TO IMPROVE STONY BROOK AND ITS TRIBUTARIES.

Chap. 220

Be it enacted, &c., as follows :

SECTION 1. The city of Boston and the town of West Roxbury, or either of them, may authorize a committee or board of commissioners to exercise any or all of the powers granted to said city and town respectively by an act entitled "An Act to authorize the city of Boston and town of West Roxbury to improve Stony Brook and its tributaries," the same being chapter two hundred and twenty-three of the acts of the year eighteen hundred and sixty-eight, and to perform any or all the duties therein imposed upon the mayor and aldermen of said city and the selectmen of said town, respectively ; and in such case the notices provided for in the

Duties may be performed by commissioners.

Parties aggrieved may apply for jury.

Boston and West Roxbury may contract with each other concerning payment of expense of improvement of Stony Brook.

Unauthorized person not to obstruct brook without consent of Boston and West Roxbury.

Proviso.

sixth section of said act shall be given to such committee or board of commissioners; and any person aggrieved by the action of such committee or board of commissioners, shall have the right to apply for a jury provided for in the third and seventh sections of said act.

SECTION 2. The city of Boston and town of West Roxbury, or their respective committees or boards of commissioners, in their behalf, if they shall be thereto duly authorized, shall have authority to contract with each other for the payment by one to the other of any part of the expense incurred by the other in the improvement of Stony Brook as provided for in said act, and may include the amounts so paid in the statement of the total expenses made up to determine the amount of assessments to be laid under the fourth section of said act.

SECTION 3. No person, except those authorized by chapter two hundred and twenty-three of the acts of eighteen hundred and sixty-eight and by the preceding sections of this act, shall change the present course of Stony Brook or erect any structure in or over the same, or create any obstruction to the flow of the waters of the same without the consent of said city of Boston and town of West Roxbury first obtained: *provided*, that upon the completion of any part of the channel for the new location of said brook, said city or town, or their respective committee or board of commissioners, may give public notice of the completion of the same, and may authorize the owners of abutting lands, so far as the same are within the respective limits of said city or town, to fill up the old channel of said brook or to erect structures in or over the same.

SECTION 4. This act shall take effect upon its passage.

Approved May 6, 1870.

Chap. 221

AN ACT TO MAKE THE DARTMOUTH BRIDGE FREE.

Be it enacted, &c., as follows:

Dartmouth may purchase bridge over Apponagansett River, and raise money by taxation to pay for same.

SECTION 1. The town of Dartmouth is hereby authorized to purchase from the Dartmouth Bridge Company, the bridge over the Apponagansett river, in said town, together with all the real estate and buildings of said company and the franchise held by said company, and provide for the payment therefor by taxation or otherwise. And said town of Dartmouth is hereby authorized to receive the conveyance of said bridge property and franchise upon such terms and conditions as said town and said bridge company may agree. And the said bridge company is hereby authorized to convey to the said town its bridge, real estate, buildings and franchise

by a deed of release executed by the president and secretary of said bridge corporation in the name of said bridge corporation. And upon the execution and delivery of said conveyance on the part of said bridge company, and the payment on the part of said town, of such amount as may be agreed upon by said bridge company and said town, then the said bridge shall become free, and the same shall thereupon become a public highway.

SECTION 2. In the event of the failure of said bridge company to execute and deliver a deed of conveyance of said bridge and property as aforesaid, or of said town to purchase and pay for said bridge, real estate, buildings and franchise on or before the first day of October next, then the bridge over Apponagansett river, in said town of Dartmouth, known as the Dartmouth bridge, including the draw, piers and abutments of said bridge, and the way leading to said abutments belonging to said bridge company, is hereby laid out and shall become a public highway upon the acceptance of the award of commissioners hereinafter named, by the supreme judicial court and entry of judgment thereon.

Bridge to be laid out as highway if deed of conveyance is not executed by October 1, 1870.

SECTION 3. The county commissioners of the county of Bristol, upon the application of the Dartmouth Bridge Company, or of ten legal voters of the town of Dartmouth, shall, after due notice to all parties interested, and a hearing upon all matters affecting the value of said bridge, determine and award the amount to be paid the said Dartmouth Bridge Company, by said town of Dartmouth, as damages for the laying out of said bridge, draw, piers, abutments and way as a public highway; and the determination and decree of said county commissioners, or that of a major part of them shall be made in writing and reported to the supreme judicial court and also to said bridge company, and to said town; and the same shall be binding upon all the parties interested therein. When the award of said commissioners shall have been accepted and judgment entered thereon by the supreme judicial court, the just fees and expenses of said commissioners shall be paid by such of the parties interested as said commissioners shall decree.

County commissioners to award damages.

SECTION 4. Upon the said bridge, draw, piers, abutments and way becoming a highway as aforesaid, the care and superintendence of the same shall devolve upon the selectmen of said town of Dartmouth; and liability for defects in said bridge, piers, draw, abutments and way shall exist on the part of said town in like manner as for defects in town ways.

Dartmouth to have charge of bridge, and be liable for defects, &c.

SECTION 5. This act shall take effect upon its passage.

Approved May 6, 1870.

Chap. 222 AN ACT FOR SUPPLYING THE TOWN OF GREENFIELD WITH WATER.
Be it enacted, &c., as follows:

May take water
from Glen
Brook, in Ley-
den.

SECTION 1. Fire district number one in Greenfield is hereby authorized, by and through the agency of the construction committee heretofore chosen by said district for the purpose herein mentioned, to take, hold, control, and convey to, into and through the town and village of Greenfield and Deerfield, the waters of Glen Brook, and the waters which flow into the same above "the Glen," so called, in the town of Leyden; and said district may take and hold, by purchase or otherwise, any land on, around and above the said glen, so far as may be necessary for forming and maintaining a reservoir, and for the preservation of the water and the purity thereof, and may also take and hold any real estate necessary for forming and maintaining reservoirs, laying and maintaining aqueducts for conducting, discharging and distributing water for the purpose of furnishing a supply of water for the town and village of Greenfield and of Deerfield and for public purposes.

May take real
estate for reser-
voirs, &c.

May build aque-
ducts through
Greenfield and
Deerfield.

SECTION 2.. The said district may, by and through the same agency, make and build one or more permanent aqueducts from said glen to, into and through the town and village of Greenfield and of Deerfield, and maintain the same by any works suitable therefor; may erect and maintain dams to raise and retain the water therein; may make and maintain reservoirs within and without the limits of said district; may make and establish public fountains, and such public hydrants, in such places as may, from time to time, be deemed proper, and prescribe the purposes for which they may be used, and may change or discontinue the same; may distribute the water in said Greenfield and Deerfield, and establish the prices or rents to be paid therefor; and the said district may for the purposes aforesaid, carry and conduct any aqueducts, pipes or other works, by them to be made, laid or constructed over or under any water-course or railroad, and over, or under, or along any street, highway or other way, in such manner as not to obstruct or impede travel thereon; and may enter upon, and dig up any such road, street or way for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same, and may do any other things necessary and proper in executing the purposes of this act: *provided*, that anything done under this act in, upon or under any street, highway or other way, shall be subject to the direction of the selectmen of said Greenfield, Deerfield or Leyden, as the case may be.

Proviso.

SECTION 3. The said district shall be liable to all damages that shall be sustained by any persons in their property by the taking of any land, water, water rights, mill privileges or other rights, or by interfering with or controlling the waters of said Glen Brook and the waters which flow into the same above said glen, or by the constructing of any aqueducts, reservoirs or other works for the purposes specified in this act; and if any person who shall sustain damages as aforesaid, cannot agree with the said committee upon the amount of said damages, he may have them assessed by the county commissioners for the county of Franklin, by making a written application therefor within two years after said land or water shall have been taken, under this act; and if either party be aggrieved by the doings of said commissioners in the estimation of said damages, he or they may have said damages settled by a jury; and the said commissioners and jury shall have the same powers, and the proceedings in all respects shall be conducted in the same manner as is provided by law with respect to damages for land taken for highways. And the committee aforesaid shall, within six months from the time of taking any lands, springs or brooks, as before provided, file in the registry of deeds in Franklin county an accurate description of the lands, springs or brooks so taken, and a statement of the purpose for which the same are taken, signed by said committee. And said committee shall, upon the written request of any person whose lands, springs or brooks are so taken, furnish him with an accurate description of the same.

Liability for damages.

To file description of land taken in registry of deeds.

SECTION 4. If any person shall use any of the said water without the consent of the said district, an action of tort may be maintained by the inhabitants of said district for the recovery of damages therefor; and if any person shall wantonly or maliciously divert the water or any part thereof, of any springs or brooks or water-courses, which shall be taken by said district pursuant to the provisions of this act, or shall corrupt the same, or render it impure, or destroy or injure any dam, reservoir, aqueduct, pipe, conduit, hydrant, machinery, or other works or property, held, owned or used by said district, by the authority and for the purposes of this act, every such person shall forfeit and pay to said district three times the amount of the damages that shall be assessed therefor in an action of tort in the name of the inhabitants of said district; and any such person, on conviction of either of the wanton or malicious acts aforesaid, may also be punished by fine not exceeding three hundred dollars, or imprisonment not exceeding one year.

Penalty for maliciously diverting the water or corrupting the same.

Committee to have superintendence of the works;

—to continue in office two years;

—may be removed by vote of district.

Quorum.

Report.

Compensation.

When office of committee ceases, duties to be done by district.

"Greenfield Water Scrip," not exceeding \$40,000, may be issued.

SECTION 5. The committee mentioned in the first section of this act shall, during their continuance in office, execute, superintend and direct the performance and execution of all the works and things mentioned in the preceding sections that are not specially otherwise provided for in this act; they shall be subject to such ordinances, rules and regulations, in the execution of their said trust, as said district may from time to time ordain and establish, not inconsistent with the provisions of this act and the laws of the Commonwealth; they shall continue in office for the term of two years from the passage of this act, unless the works aforesaid shall be sooner completed; but they, or either of them, after having had an opportunity to be heard in his or their defence, may be removed at any time by a vote of the majority of the voters present and voting at any legal meeting of the district called for that purpose; and in case of a vacancy in the committee by reason of death, resignation, removal or inability to serve, such vacancy may be filled by the district at a legal meeting called for the purpose, and the person chosen to fill said vacancy shall hold his office for the residue of the two years, with all the powers and subject to the restrictions aforesaid. A major part of said committee shall be a quorum to do business; they shall once a year, and whenever required by a vote of the district, make and present, in writing, a full and particular statement of all their acts and doings, and of the condition and progress of the works aforesaid. And all the contracts and agreements made by said committee for the purposes herein mentioned before the passage of this act, are hereby ratified, confirmed and declared valid. The compensation of said committee shall be fixed at the first annual meeting of said district after the passage of this act, and shall not be altered during their continuance in office.

SECTION 6. Whenever the office of the committee before mentioned in this act shall cease, either by the expiration of the term of two years, or by the completion of the works, as mentioned in the foregoing sections of this act, all the rights, powers and authority given to the said fire district by this act shall then and thenceforth be exercised by the said fire district, subject to the duties, liabilities and restrictions herein contained, in such manner and by such officers and agents as the said district shall from time to time ordain and direct.

SECTION 7. For the purpose of paying all costs and expenses of such lands and waters as have been, or may be taken, purchased or held for the purposes of this act, of laying aqueducts or pipes, and of the construction of all works necessary for the accomplishment of the purposes aforesaid,

and all expenses incident thereto, including the expenses already incurred by said district or said committee, for said purposes, the town of Greenfield shall have authority to issue from time to time notes, scrip or certificates of debt, to be denominated on the face thereof, "Greenfield Water Scrip," to an amount not exceeding in the whole the sum of forty thousand dollars, bearing interest at a rate not exceeding seven per cent. per annum; and said interest shall be payable semi-annually, and the principal shall be payable at periods not more than thirty years from the issuing of said notes, scrip or certificates, respectively. All notes, scrip or certificates of debt to be issued as aforesaid shall be signed by the treasurer of the town, and countersigned by the selectmen of the town; and a record of all such notes, scrip or certificates shall be made and kept by the said treasurer, and said notes, scrip or certificates shall be delivered to the prudential committee of said fire district, and said district may sell said notes, scrip or certificates, or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as the said district shall judge proper.

Notes, &c., to be signed by treasurer, and record kept.

SECTION 8. The town of Greenfield is hereby fully authorized to assess and collect upon the polls and estate, real and personal, in said fire district, all taxes necessary to pay the principal and interest of the scrip that shall be sold or pledged by said district as herein provided: *provided*, that said district may at any legal meeting called for the purpose, vote to raise money by taxation for the payment of said scrip, principal and interest, or any part thereof, or any other expenses incurred under this act, as said district may deem expedient; and all sums so voted shall be assessed and collected in the same manner as other taxes voted by said district.

May raise money by taxation.

Proviso.

SECTION 9. There shall be a legal meeting of the voters of said fire district called within thirty days after the passage of this act, for the purpose of having said voters give in their written votes on the question whether they will accept the provisions of this act, and if the major part of the votes given upon said question shall be in the affirmative, the result of said vote shall forthwith be certified by the clerk of said district to the selectmen of the town of Greenfield; and the said selectmen shall within thirty days thereafter warn a meeting of the voters of said town for the purpose of having said voters give in their written votes upon the question whether they will accept this act, and if the major part of the votes given at said meeting, upon said question, shall be

Subject to acceptance by voters of district.

in the affirmative, then this act shall be binding, otherwise it shall be null and void.

District may hold property and prosecute and defend actions.

SECTION 10. The fire district mentioned in this act is hereby made and declared to be a body corporate, so far as to take and hold property for the purposes mentioned in this act, and to prosecute and defend in all actions relating to the property and affairs of said district.

SECTION 11. This act shall take effect upon its passage.

Approved May 6, 1870.

Chap. 223

AN ACT TO AUTHORIZE SAMUEL G. SNELLING TO EXTEND HIS WHARF ON NEPONSET RIVER.

Be it enacted, &c., as follows :

May construct wharf and docks in Boston.

SECTION 1. License is hereby given to Samuel G. Snelling to construct a wharf and docks over the flats in front of his estate on Taylor Street, in that part of Boston formerly known as Neponset, one hundred and twenty-eight feet in width on capsill of the present wharf, and extending four hundred feet ; and to enclose and fill up said flats and construct docks at the sides of said wharf, subject to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; with the right to lay vessels at the end and sides of said wharf and to receive wharfage and dockage therefor : *provided*, that this license shall be subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1870.

Chap. 224

AN ACT CONCERNING MANUFACTURING AND OTHER CORPORATIONS.

Be it enacted, &c., as follows :

Corporations.

SECTION 1. Any such number of persons as is hereinafter provided, who shall have associated themselves together by an agreement in writing such as is hereinafter described, with the intention to constitute a corporation for any of the purposes hereinafter specified, shall become a corporation upon complying with the provisions of the eleventh section of this act, and shall remain a corporation, with all the powers, rights and privileges, and subject to all the duties, limitations and restrictions conferred by general laws upon corporations, except as is herein otherwise provided.

For cutting ice, mining, manufacturing, &c.

SECTION 2. For the purpose of cutting, storing and selling ice, or of carrying on any agricultural, horticultural, mechanical, mining, quarrying or manufacturing business, except that of distilling or manufacturing intoxicating liquors, or for the purpose of printing and publishing newspapers,

periodicals, books or engravings, three or more persons may associate themselves, with a capital of not less than five thousand nor more than five hundred thousand dollars. Capital.

SECTION 3. For the purposes of coöperation in carrying on any business authorized in the last preceding section, and of coöperative trade, seven or more persons may associate themselves, with a capital of not less than one thousand nor more than fifty thousand dollars. For coöperative trade, &c. Capital.

SECTION 4. For the purpose of opening outlets, canals or ditches, for the introduction and propagation of herrings and alewives, three or more persons may associate themselves, with a capital of not less than one thousand, nor more than five thousand dollars. For opening canals, &c., for propagation of alewives, &c. Capital.

SECTION 5. For the purpose of making and selling gas for light in a city or town, ten or more persons may associate themselves, with a capital of not less than five thousand, nor more than five hundred thousand dollars. For making gas. Capital.

SECTION 6. For the purpose of carrying on the business of a common carrier of merchandise or other property, three or more persons may associate themselves, with a capital of not less than five thousand, nor more than one million dollars. Such corporation shall have power to undertake for the carriage of goods and property beyond the limits of the Commonwealth, but shall not by virtue of this act be authorized to purchase or operate railroads, canals or ferries. For business of common carriers of merchandise. Capital.

SECTION 7. Such agreement shall set forth the fact that the subscribers thereto associate themselves with the intention to constitute a corporation, the name by which the corporation shall be known, the purpose for which the corporation is constituted, the town or city, which town or city shall be within this Commonwealth, in which it is established or located, the amount of its capital stock and the par value and number of its shares; and the par value of shares shall in all cases, except corporations organized for the purposes mentioned in the third and fourth sections of this act, be one hundred dollars. Agreement to set forth name, location, capital, &c., of corporation.

SECTION 8. Any name may be assumed for such corporation, which shall indicate that it is a corporation, and which is not previously in use by an existing corporation or company, and the name assumed in the agreement of association shall not be changed but by act of the legislature. In the case of corporations organized for the purposes mentioned in section three, the word coöperative shall form part of the name. In the case of corporations organized for the purposes mentioned in section four, the word fishing shall form part of the name. In the case of corporations organized for the Name, when once assumed, not to be changed except by Act of legislature.

purposes mentioned in section five, the word gas shall form part of the name. In the case of corporations organized for the purpose mentioned in section six, the word express shall form part of the name.

Notice of first meeting.

SECTION 9. The first meeting for the purpose of organizing such corporation shall be called by a notice signed by one or more of the subscribers to such agreement, stating the time, place and purpose of the meeting, a copy of which notice shall, seven days at least before the day appointed for the meeting, be given to each subscriber, or left at his usual place of business or place of residence, or deposited in the post-office, post paid, and addressed to him at his usual place of business or place of residence. And whoever gives such notices shall make affidavit of his doings, which shall be recorded in the records of the company.

Organization, choice of officers, &c.

SECTION 10. At such first meeting, including any necessary or reasonable adjournment thereof, an organization shall be effected by the choice by ballot of a temporary clerk, who shall be sworn to the faithful discharge of his duty, and, by the election, in the manner provided by law, of directors, a treasurer, a clerk of the corporation, and such other officers as the by-laws adopted for the corporation may provide; but, at such first meeting, no person shall be eligible as a director who has not subscribed the agreement of association. The temporary clerk shall make a true record of all the proceedings until the qualification of the clerk of the corporation by his being duly sworn, including a record of that fact, and shall attest the accuracy thereof.

Certificate of agreement to be examined by commissioner, and filed with secretary of Commonwealth.

SECTION 11. The president, treasurer, and a majority of the directors, shall forthwith make, sign, and swear to a certificate setting forth a true copy of the agreement of association with the names of the subscribers thereto, the date of the first meeting, and of the successive adjournments thereof, if any, and shall submit such certificate and also the records of the corporation to the inspection of the commissioner of corporations, who shall examine the same, and who may require such other evidence as he may judge necessary as to the same. The commissioner, if it shall appear that the requirements of the preceding sections of this act have been complied with, shall certify that fact, and his approval of the certificate, by indorsement thereon. Such certificate shall thereupon be filed in the office of the secretary of the Commonwealth by said officers, and upon being paid by them the fee hereinafter provided, the secretary shall cause the same, with the indorsement thereon, to be recorded, and shall there-

upon issue to said corporation a certificate in the following form:—

COMMONWEALTH OF MASSACHUSETTS.

Be it known that whereas [here the names of the subscribers to the agreement of association shall be inserted,] have associated themselves with the intention of forming a corporation under the name of [here the name of the corporation shall be inserted,] for the purpose [here the purpose declared in the agreement of association shall be inserted,] with a capital of [here the amount of capital fixed in the agreement of association shall be inserted,] and have complied with the provisions of the statutes of this Commonwealth in such case made and provided, as appears from the certificate of the president, treasurer, and directors of said corporation, duly approved by the commissioner of corporations, and recorded in this office Now, therefore, I, [here the name of the secretary shall be inserted,] secretary of the Commonwealth of Massachusetts, do hereby certify that said [here the names of the subscribers to the agreement of association shall be inserted,] their associates and successors, are legally organized and established as and are hereby made an existing corporation under the name of [here the name of the corporation shall be inserted,] with the powers, rights and privileges, and subject to the limitations, duties and restrictions which by law appertain thereto. Witness my official signature hereunto subscribed, and the seal of the Commonwealth of Massachusetts hereunto affixed this day of in the year of our Lord . [In these blanks the day, month, and year of execution of the certificate shall be inserted.]

Certificate to be issued by secretary;

The secretary of the Commonwealth shall sign the same and cause the seal of the Commonwealth to be thereto affixed, and such certificate shall have the force and effect of a special charter, and be conclusive evidence of the organization and establishment of such corporation. The secretary shall also cause a record of such certificate to be made, and a copy of such record, duly certified, may, with like effect as the original certificate, be given in evidence to prove the organization and establishment of such corporation.

—to have force of special charter, and be evidence of organization.

SECTION 12. Any corporation which is already organized under the provisions of chapter one hundred and thirty-three of the acts of the year eighteen hundred and fifty-one, chapter sixty-one of the General Statutes, or chapters one hundred and eighty-seven or two hundred and ninety of the acts of the year eighteen hundred and sixty-six, which shall at a meeting of its stockholders, regularly notified for that purpose, decide to comply with the provisions of this section, may submit to the inspection of the commissioner of corporations a certificate, signed and sworn to by the president, treasurer, clerk, and a majority of the directors of said corporation, setting forth a copy of its articles of agreement with the names of the subscribers thereto, and a copy of the vote aforesaid, and produce sufficient evidence of its regular or-

Corporations heretofore organized may come under provisions of this Act.

ganization according to law or of confirmatory action under the provisions of section sixty-six of this act, or of section four of chapter sixty-one of the General Statutes, or of section three of chapter four hundred and seventy-eight of the acts of the year eighteen hundred and fifty-five.

The commissioner of corporations shall examine the certificate submitted to him and the evidence of organization produced as aforesaid, and if it shall appear that the provisions of law have been complied with, he shall certify that fact and his approval thereof by indorsement thereon in writing. The secretary of the Commonwealth shall, upon the same being deposited in his office, and upon payment of the fee hereinafter provided, cause the same, with the indorsement thereon, to be recorded, and shall issue a certificate in the following form:—

COMMONWEALTH OF MASSACHUSETTS.

Certificate to
be issued by
secretary of the
Common-
wealth;

Be it known that whereas [here the names of the original subscribers shall be inserted,] have formerly associated themselves with the intention of forming a corporation under the name of [here the name of the corporation shall be inserted,] for the purpose [here the purpose declared in the articles of agreement shall be inserted,] under the provisions of [here the designation of the statute under the provisions of which organization was effected shall be inserted,] with a capital of [here the amount of the capital stock as it stands fixed by the corporation at the date of the certificate shall be inserted,] and the provisions of the statutes of this Commonwealth in such case made and provided have been complied with, as appears from the certificate of the president, treasurer and directors of said corporation, duly approved by the commissioner of corporations, and recorded in this office. Now, therefore, I, [here the name of the secretary shall be inserted,] secretary of the Commonwealth of Massachusetts, do hereby certify that said [here the name of the corporation shall be inserted,] is legally organized and established as an existing corporation, with the powers, rights and privileges, and subject to the limitations, duties and restrictions which by law appertain thereto.

Witness my official signature hereunto subscribed, and the seal of the Commonwealth of Massachusetts hereunto affixed this day of in the year of our Lord . [In these blanks the day, month and year of execution of the certificate shall be inserted.]

—to have force
of special char-
ter, and be evi-
dence of organ-
ization.

The secretary of the Commonwealth shall sign the same and cause the seal of the Commonwealth to be thereto affixed, and such certificate shall be conclusive evidence of the organization and establishment of such corporation at the date of such certificate. The secretary shall also cause a record of such certificate to be made, and a copy of such record duly certified may with like effect as the original certificate be given in evidence to prove the existence of such corporation.

Corporations to
be governed by
this Act.

SECTION 13. Corporations organized under the provisions of this act, those organized under the provisions of chapter

sixty-one of the General Statutes, those organized under the provisions of chapter one hundred and thirty-three of the acts of the year eighteen hundred and fifty-one, those organized under the provisions of chapter one hundred and eighty-seven or chapter two hundred and ninety of the acts of the year eighteen hundred and sixty-six, those established within this state by special charters subsequently to the twenty-third day of February, in the year one thousand eight hundred and thirty, for the purpose of carrying on any kind of manufacture, corporations which have been chartered subject to the provisions of chapter thirty-eight of the Revised Statutes, and those which, by force of their charters or the provisions of any general law, have been made subject to the provisions of chapters sixty and sixty-one of the General Statutes, and their respective officers and stockholders may exercise the powers, and shall be governed by the provisions, and be subject to the liabilities prescribed in this chapter.

SECTION 14. Every company may make by-laws not repugnant to the laws of the Commonwealth, with penalties for the breach thereof not exceeding twenty dollars for each offence.

Companies may make by-laws, with penalties not exceeding twenty dollars.

SECTION 15. The business of the company shall be managed and conducted by a president, a board of directors, a clerk, treasurer, and such other officers, agents and factors, as the company authorizes for that purpose. But no conveyance or mortgage of the real estate of the company, or lease thereof, for more than one year, shall be made, unless authorized by a vote of the stockholders at a meeting called for the purpose.

Business to be managed by certain officers.

Conveyance or mortgage not to be made except by vote of stockholders.

SECTION 16. The directors, clerk and treasurer shall be chosen annually by the stockholders, by ballot, and shall hold their offices for one year and until others are chosen and qualified in their stead. The manner of the choice or appointment of all other agents, factors and officers of the company, and the manner of filling all vacancies, shall be prescribed by the by-laws.

Directors, clerk and treasurer to be chosen annually, other officers as prescribed by by-laws.

SECTION 17. The number of the directors shall not be less than three. One of them shall be chosen president, by the directors or by the company, as the by-laws shall direct.

Not less than three directors, one of whom to be president.

SECTION 18. The clerk shall be sworn, and shall record all the votes of the company in a book to be kept for that purpose, and perform such other duties as shall be assigned to him. The treasurer shall give bond in such sum and with such sureties as shall be required by the by-laws for the faithful discharge of his duty.

Clerk to be sworn, and keep record.

Treasurer to give bond.

SECTION 19. At all meetings of the company, absent stockholders may vote by proxy, authorized in writing; but

Voting by proxy.

no proxy shall be valid unless executed and dated within six months previous to the meeting at which it is used, if the maker thereof resides in the United States; and no person shall, as proxy or attorney, cast more than fifty votes, unless all the shares so represented by him are owned by one person; and no officer of the corporation, as proxy or attorney, shall cast more votes than represent twenty shares, unless all the shares so represented by him are owned by one person.

Salaried officer not to vote as proxy.

No salaried officer shall vote as a proxy, and no officer of any corporation shall ask for, receive, procure to be obtained, or use any proxy vote in the corporation of which he is an officer, except the votes he is hereby authorized to cast.

Quorum of stockholders.

SECTION 20. Every company may determine by its by-laws what number of stockholders shall attend, either in person or by proxy, or what number of shares or amount of interest shall be represented at any meeting, to constitute a quorum. If the quorum is not so determined, a majority in interest of the stockholders shall constitute a quorum.

Capital stock once fixed, to be changed only as here provided;

SECTION 21. The capital stock of every company, the amount whereof has been fixed and limited by such company according to law, shall remain so fixed, subject to be increased or reduced pursuant to the provisions of this chapter.

—of companies specially chartered, to be fixed and limited

SECTION 22. The amount of the capital stock of every company established by special charter and not organized, shall be fixed and limited by the company, and shall at its first meeting be divided into shares, of which a record shall be made by the clerk.

Shares to be numbered, and stockholders to have certificates.

SECTION 23. The shares in all corporations subject to the provisions of this act shall be numbered, and every stockholder shall have a certificate under the seal of the corporation, and signed by the treasurer, certifying his property in such shares as are expressed in the certificate.

Increase and reduction of capital stock.

SECTION 24. Every corporation may, at a meeting called for the purpose, increase or reduce the amount of its capital stock and the number of shares therein, within the limitations of its charter in the case of a chartered company, and within the limitations of this act in the case of a company organized under general laws.

General and special stock.

SECTION 25. Every company may, by a vote of three-fourths of the general stockholders at a meeting duly called for the purpose, issue two kinds of stock, namely, general stock and special stock. The special stock shall at no time exceed two-fifths of the actual capital of the corporation, and shall be subject to redemption at par after a fixed time, to be expressed in the certificates. Holders of such special stock shall be entitled to receive, and the corporation shall be bound

to pay thereon, a fixed half-yearly sum or dividend, to be expressed in the certificates, not exceeding four per cent., and they shall in no event be liable for the debts of the corporation beyond their stock.

SECTION 26. Shares may be transferred by the proprietor, by an instrument in writing under his hand, which shall be recorded by the clerk of the corporation in a book to be kept for that purpose. The purchaser named in such instrument so recorded shall, on producing the same to the treasurer, and delivering to him the former certificate, be entitled to a new certificate. In case of the loss of a certificate, a duplicate certificate may be issued upon such reasonable terms as the directors shall prescribe.

Transfer of shares.

Lost certificate may be duplicated.

SECTION 27. Every company may, from time to time, at a legal meeting called for the purpose, assess upon each share such sums of money as the company thinks proper, not exceeding in the whole, the amount at which each share was originally limited; and such sums assessed shall be paid to the treasurer at such times and by such instalments as the company directs. No note or obligation given by a stockholder, whether secured by pledge or otherwise, shall be considered as payment of any part of the capital stock.

Assessments upon shares.

SECTION 28. If the proprietor of any share neglects to pay a sum duly assessed thereon for the space of thirty days after the time appointed for payment, the treasurer of the company may sell by public auction a sufficient number of his shares to pay all assessments then due from him, with necessary and incidental charges.

Note, &c., given by stockholder not deemed payment of capital.

If assessments are not paid within thirty days, shares may be sold at auction.

SECTION 29. The treasurer shall give notice of the time and place appointed for such sale, and of the sum due on each share, by advertising the same three weeks successively before the sale in some newspaper printed in the county where the corporation is established, and if there is no such paper, then in some newspaper printed in an adjoining county; and a deed of the shares so sold, made by the treasurer and acknowledged before a justice of the peace, and recorded as provided in section twenty-six, shall transfer said shares to the purchaser, who shall be entitled to a certificate therefor.

Notice of sale to be advertised by treasurer.

Deed of shares sold.

SECTION 30. Until the organization is completed the subscribers to the agreement of association shall hold the franchise; and where it is not otherwise provided in the agreement of association, all the subscribers shall have the right to take an equal number of the shares in the capital stock upon paying the assessments thereon as called for by the corporation: *provided*, they signify their election to take such

Subscribers of agreement to hold franchise until organization is completed; —may take equal number of shares at first meeting.

shares, at the first meeting. All shares not taken at the first meeting shall be disposed of as the company shall determine.

Real and personal estate.

SECTION 31. Every corporation may, in its corporate name, purchase, hold and convey such real and personal estate as is necessary for the purposes of its organization; may carry on its business, or so much thereof as is convenient, beyond the limits of the state, and may there purchase and hold any real or personal estate necessary for conducting the same. Said company shall not direct its operations or appropriate its funds to any other purpose than that specified in its agreement of association or its charter, as the case may be; except that corporations organized or chartered for the manufacture of cotton or woollen goods may upon the consent of four-fifths of the stockholders, by a vote at a meeting called for the purpose, carry on the manufacture of silk, linen, flax or India rubber goods.

Not to commence business until whole capital stock has been paid in, in cash.

SECTION 32. No corporation shall commence the transaction of the business for which it was organized or chartered, until the whole amount of the capital stock has been paid in in cash, and a certificate of that fact, and of the manner in which the same has at the time of making the certificate been invested or voted by the corporation to be invested, signed and sworn to by the president, treasurer and a majority at least of the directors has been filed in the office of the secretary of the Commonwealth.

Certificate to capital paid in, names of shareholders, &c., to be annually filed in secretary's office within thirty days of annual meeting.

SECTION 33. Every corporation shall annually make and file in the office of the secretary of the Commonwealth, within thirty days after the date of the annual or semi-annual meeting of the corporation next preceding the date of such certificate, a certificate signed and sworn to by the president, treasurer and at least a majority of the directors of such corporation, which shall state the date of such meeting, the amount of capital stock then paid in, the name of each shareholder and the number of shares standing in his name, the amount invested in real estate and in personal estate, giving the price paid and the then estimated value thereof, the amount of property owned by and of debts due to the corporation, and the amount, as nearly as can be ascertained, of existing demands against said corporation at the date of such annual or semi-annual meeting.

Certificate of increase of capital to be filed in secretary's office.

SECTION 34. Every corporation shall upon an increase of its capital stock, within thirty days after the payment or collection of the last instalment of such increase, file a certificate of the amount of such increase and the fact of such payment, signed and sworn to by the president, treasurer and

at least a majority of the directors of such corporation, in the office of the secretary of the Commonwealth.

SECTION 35. Every corporation shall within thirty days after a reduction of its capital stock is voted, file in the office of the secretary of the Commonwealth a copy of the vote or votes authorizing such reduction, signed and sworn to by the clerk of the corporation.

Certificate of reduction of capital to be filed.

SECTION 36. Every corporation organized under authority of this act for the purposes specified in section four, shall within thirty days after obtaining the written authorization required by section fifty-four of this act, file a copy of the same, certified by the town clerk or clerk of the board of aldermen, as the case may be, in the office of the secretary of the Commonwealth.

Written authorization to be filed by corporations for opening canals, &c., for propagation of fish.

SECTION 37. Every certificate required to be filed by the provisions of sections thirty-two, thirty-three, thirty-four, thirty-five and thirty-six of this act shall, before filing, be submitted to the inspection of the commissioner of corporations, who shall examine the same, and if such certificate shall appear to him to be a sufficient compliance in matter of form with the requirements of this act, he shall certify his approval thereof by indorsement upon the same; but upon the copies of votes of corporations or authorizations of municipal authorities, required by section thirty-six to be filed, he shall indorse the date and fact of submission to his inspection only, and the same shall then be recordable, and upon filing the same in the office of the secretary of the Commonwealth and paying the fee hereinafter provided for recording the same, said corporation and its officers shall be conclusively held to have complied with the requirements of this act in respect to the filing such certificate, except that it may always be shown by competent evidence in any court that the statements made in such return were false and were known so to be by any officer or officers signing or making oath to the same. The secretary of the Commonwealth shall, upon being paid the fee hereinafter provided, receive and record the same in books of record to be kept for that purpose.

Certificates to be examined by commissioner before being filed.

SECTION 38. The officers of corporations shall be jointly and severally liable for its debts and contracts in the following cases, and not otherwise:—

Liability of officers for debts and contracts.

First. For making or consenting to a dividend when the corporation is or thereby is rendered insolvent, to the extent of such dividend.

Second. For debts contracted between the time of making or assenting to a loan to a stockholder and the time of its repayment, to the extent of such loan.

Third. When the debts of a corporation shall exceed its capital, to the extent of such excess existing at the time of the commencement of the suit against the corporation upon the judgment in which the suit in equity to enforce such liability shall be brought as hereinafter provided.

Fourth. For signing any certificate required by law knowing it to be false ; but only the officer or officers knowing thereof shall be liable.

Fifth. All officers of corporations chartered by or organized under the general laws of this Commonwealth for the purpose of engaging without the limits thereof in the business of coal mining or other mining, or extracting of carbonaceous oils from the earth, or for the purpose of purchasing, selling, or holding mines or lands without the Commonwealth ; and all other persons assuming to represent such corporations within the Commonwealth by having charge of its affairs or of books for the transfer of its shares shall severally be personally liable for the amount of all taxes imposed thereon under any law of this Commonwealth.

Liability of
stockholders
for debts and
contracts.

SECTION 39. The members or stockholders in corporations shall be jointly and severally liable for its debts or contracts in the following cases, and not otherwise.

First. For such as may be contracted before the original capital is fully paid in. But stockholders who have paid in full the par value of their shares shall not be liable for such debts.

Second. For the payment of all debts existing at the time when the capital is reduced, to the extent of the sums withdrawn and paid to stockholders.

Third. If the corporation shall be subject to and neglect to comply with the provisions of section sixty-three of this act, for debts existing and contracted before the same are complied with.

Fourth. When special stock is created, the general stockholders shall be liable for all debts and contracts until the special stock is fully redeemed.

Fifth. For all sums of money due to operatives for services rendered within six months before demand made upon the corporation, and its neglect or refusal to make payment. Any such member or stockholder who pays, on a judgment or otherwise, more than his proportional share of any such debt, shall have a claim for contribution against the other members or stockholders.

Stockholders
and officers not
liable for debts
until judgment
is recovered

SECTION 40. No stockholder or officer in such corporation shall be held liable for its debts or contracts, unless a judgment is recovered against it, and the corporation shall neg-

lect, for the space of thirty days after demand made on execution, to pay the amount due, with the officer's fees, or exhibit to him real or personal estate of the corporation subject to be taken on execution, sufficient to satisfy the same, and the execution shall be returned unsatisfied.

SECTION 41. It shall be the duty of the clerk or other officer having charge of the records of any such corporation against which judgment has been recovered, and execution issued and returned unsatisfied, according to the provisions of section forty of this act, upon reasonable request of the judgment creditor, or of the attorney of such creditor, to furnish him a certified list of the names of all persons who were officers and stockholders in such corporation at the time of the commencement of the suit in which judgment was recovered.

Clerk to furnish judgment creditor with names of officers and stockholders.

SECTION 42. After the execution shall be so returned, the judgment creditor, or any other creditor, may file a bill in equity in behalf of himself and all other creditors of the corporation, against it, and all persons who were stockholders therein at the time of the commencement of the suit in which such judgment was recovered, or against all the officers liable for its debts and contracts, for the recovery of the sums due from said corporation to himself and such other creditors, for which the stockholders or officers may be personally liable by reason of any act or omission on its part, or that of its officers, or any of them, setting forth the judgment and proceedings thereon, and the grounds upon which it is expected to charge the stockholders or officers personally.

Creditor may file bill in equity against corporation officers and stockholders.

SECTION 43. Such sums as may be decreed to be paid by the stockholders in such suit in equity shall be assessed upon them in proportion to the amounts of stock by them respectively held at the time when the suit in which said judgment was recovered was begun; but no stockholder shall be liable to pay a larger sum than the amount of stock held by him at that time at its par value.

Stockholders to be assessed in proportion of stock;

—liable to amount of stock at par.

SECTION 44. The estates and funds in the hands of executors, administrators, guardians or trustees, shall be liable to no greater extent than the testator, intestate, ward or person interested in the trust fund, would have been if living and competent to act and hold the stock in his own name.

Liability of estates in hands of executors, &c.

SECTION 45. If during the pendency of any suit in equity, as herein provided, one of the defendants shall de cease, the suit shall not abate thereby; and his estate, in the hands of his executor or administrator, shall be liable to the same extent as he would be if living. Such executor or administra-

Suit in equity not abated by death of one defendant;

tor may voluntarily appear and become a party to such suit, or may be summoned by the plaintiff.

—not to be dismissed without order of court and notice to creditors;

SECTION 46. After a suit in equity to enforce the liability of stockholders or officers shall have been commenced, it shall not be competent for the plaintiff to dismiss the same without order of court, and such notice to other creditors as the court may deem reasonable under the circumstances.

—not abated by non-joinder of persons liable.

SECTION 47. No such suit shall be abated by reason of the non-joinder of persons liable as defendants, unless the plaintiff after being notified by plea or answer of the existence of such persons shall unreasonably neglect to make them parties.

Suits may be defended by stockholder, &c., by permission of court.

SECTION 48. In all suits against corporations established by the laws of this Commonwealth, when it shall appear to the court that one of the objects of the suit is to obtain a judgment against said corporation in order to enforce an alleged liability of any person who has been, or is, a stockholder or officer of said corporation, any such stockholder or officer may be permitted, on petition, to defend said suit.

Bond for costs may be required.

SECTION 49. The court in such case may require of the person so taking upon himself the defence of said suit, or of some person in his behalf, a bond with sufficient surety, or sureties, conditioned to pay to the plaintiff all costs which may accrue and be taxed to him after the filing of said petition.

Pending suits not affected.

SECTION 50. This act shall not affect any action or suit now pending, or any rights of either party thereto.

CO-OPERATIVE ASSOCIATIONS.

Profits to be distributed according to by-laws.

SECTION 51. In the case of corporations organized for the purposes set forth in section three of this act, there shall be such distribution of the profits or earnings of such association among the workmen, purchasers and stockholders, as shall be described by the by-laws, at such times as therein prescribed, and as often, at least, as once in twelve months: *provided*, that no distribution shall be declared and paid until a sum equal at least to ten per cent. of the net profits shall be appropriated for a contingent or sinking fund, until there shall have accumulated a sum equal to thirty per cent. in excess of such capital stock.

Proviso.

Not more than \$1,000 interest to be held by one person.

SECTION 52. No person shall hold shares in any coöperative association to an amount exceeding one thousand dollars at their par value, nor shall any stockholder upon any subject be entitled to more than one vote.

SECTION 53. The shares in coöperative associations formed under this act, to an amount not exceeding twenty dollars in the aggregate, shall be exempt from attachment and from being taken on execution.

Shares not exceeding twenty dollars exempt from attachment.

FISHING ASSOCIATIONS.

SECTION 54. Corporations organized for the purposes set forth in section four of this act may purchase and hold real estate necessary for the purpose of opening outlets, canals, sluice-ways, or ditches, for the passage of herring and alewives to and from said ponds and other waters: *provided, however,* that before making any such purchase or doing any acts in pursuance of the purpose of their organization, they shall obtain the written authorization of the selectmen of the town, or the mayor and aldermen of the city, within the limits of which the works of such corporation are to be located.

Fishing associations may purchase and hold real estate.

Proviso.

GAS-LIGHT COMPANIES.

SECTION 55. In any city or town in which a gas company exists in active operation, no corporation shall be organized for the purposes set forth in section five of this act, unless the parties to the association are inhabitants of the place; nor unless the existing corporation has realized an annual dividend of seven per cent. on its capital stock for a period of five years.

Gas-light companies not to be organized where companies exist, except, &c.;

SECTION 56. Such corporations may, with the consent in writing of the mayor and aldermen or the selectmen, dig up and open the grounds in any of the streets, lanes, and high-ways of such place, so far as is necessary to accomplish the object of the corporation; but such consent shall not affect the right or remedy to recover damages for any injury which shall be caused to persons or property by the doings of such corporations. They shall put all such streets, lanes and high-ways, which are opened, into as good repair as they were in when opened; and upon failure so to do within a reasonable time shall be deemed guilty of a nuisance.

—may dig up grounds with consent of selectmen, &c.;

SECTION 57. The mayor and aldermen or selectmen of a place in which pipes or conductors of such a corporation are sunk, may regulate, restrict and control all acts and doings of such corporation which may in any manner affect the health, safety, convenience or property of the inhabitants of such place.

—to be regulated and controlled by selectmen, &c.

SECTION 58. Any manufacturing, machine, or other company, having its place of business in any place into which it is proposed to introduce the manufacture of gas for light, may

Other companies may hold gas stock

hold not exceeding ten per cent. of the stock in such gas-light company.

Fees to be paid to the secretary of the Commonwealth.

SECTION 59. The fees to be paid for filing and recording the various certificates required by this act to be filed with the secretary of the Commonwealth, shall be as follows:

For filing and recording the certificates by sections eleven and twelve, including the issuing the certificate of organization by the secretary of the Commonwealth, one-twentieth of one per cent. of the amount of the capital stock as fixed by the agreement of the association.

For filing and recording the certificate required by section thirty-three, the sum of five dollars.

For filing and recording any other certificate required by the provisions of this act, the sum of one dollar.

For official copies of any of the records mentioned in this act, the rates now fixed by law for copies of similar records furnished by the secretary of the Commonwealth.

All moneys received under this act by the secretary shall be included in his quarterly returns of fees, and be paid into the treasury.

Penalties for omitting to file certificates.

SECTION 60. Every corporation which shall omit to cause to be filed the certificates or returns required by sections thirty-three, thirty-four and thirty-five of this act, shall forfeit therefor the sum of two hundred dollars, to be recovered by action of tort, to the use of the Commonwealth, which action may be brought in the county of Suffolk, or in the county in which the corporation is established; and the president, treasurer and directors for the time being shall in addition be jointly liable in a like sum for such omission or neglect, and such corporation shall also be enjoined from the transaction of any corporate business, upon information brought in the name of the Commonwealth at the relation of the commissioner of corporations, during the continuance of such neglect.

Penalty for refusing to give certificate, or giving false certificate.

If any officer unreasonably refuses to give the certificate mentioned in section forty-one of this act, or wilfully gives a false certificate, he shall be liable for double the amount of all damages occasioned by such refusal or false certificate, to be recovered in an action of tort.

Deputy tax-commissioner to be commissioner of corporations;

SECTION 61. The deputy tax-commissioner shall be commissioner of corporations. He shall be sworn to the faithful discharge of his duties. He shall examine the certificates submitted to him under the provisions of this act, and make suitable indorsements upon such as comply with the requirements of law. He shall bring instances of neglect of, or omission to comply with the provisions of this act on the part

—to notify attorney-general of delinquents.

of corporations to the knowledge of the attorney-general for the enforcement of the penalties therefor. He shall keep a record of the names of corporations submitting certificates to his inspection as required by this act, with the date of inspection and of his certificates when given and the result in brief of his inspection. He shall have a salary of five hundred dollars a year in addition to his salary as deputy tax-commissioner, and shall not charge or receive any fees for the performance of his duties. Salary.

SECTION 62. The secretary of the Commonwealth shall annually prepare, cause to be printed, and on the first Wednesday of January submit to the legislature, a true abstract from the certificates required by this chapter to be deposited with him. Abstract of certificates to be submitted annually to the legislature; by secretary.

SECTION 63. Every corporation established within this state by special charter between the twenty-third day of February, in the year one thousand eight hundred and thirty, and the twenty-ninth day of June, in the year eighteen hundred and fifty-seven, for the purpose of carrying on any kind of manufacture, and corporations which have been chartered subject to the provisions of chapter thirty-eight of the Revised Statutes, shall give notice annually in some newspaper, printed in the county where the works of the company are established, and if there is no such paper, then in some newspaper in an adjoining county, of the amount of all assessments voted by the company and actually paid in, and the amount of all existing debts, which notice shall be signed by the president and a majority of the directors; and if any such company fails so to do, all its stockholders shall be jointly and severally liable for all the debts of the company then existing, and for all contracted before such notice is given. Special charter, corporations to advertise where works are situated and amount of debts.

SECTION 64. All manufacturing companies, incorporated before the twenty-third day of February, in the year one thousand eight hundred and thirty, which prior to the passage of the Revised Statutes in pursuance of chapter fifty-three of the statutes of the year one thousand eight hundred and twenty-nine, have voted to adopt the provisions contained in said last mentioned statute, and which have performed all things prescribed in chapter thirty-eight of the Revised Statutes, shall, together with their respective members and officers, be entitled to all the rights, privileges and immunities, and be subject to all the liabilities to which they may be entitled or subject by the laws in force at the time when this act shall take effect. Certain manufacturing companies entitled to rights, and subject to liabilities.

When stockholders are not liable for debts except for causes herein provided.

SECTION 65. If any such company, at a legal meeting called for the purpose, has adopted the provisions of chapter thirty-eight of the Revised Statutes, or of chapter sixty of the General Statutes, or shall adopt the provisions contained in this chapter, and shall have caused to be recorded in the registry of deeds in the county or district where such corporation is established, a certificate signed by the president, treasurer, clerk and a majority of the directors, stating the amount of capital actually paid in, and if any part thereof has been divided or withdrawn, the amount so divided and withdrawn; stating also the amount of the debts and credits, and an estimate of the value of the real and personal estate of said corporation for the purpose of carrying on the business thereof, at the time of making such certificate; and if such officers have made oath that they have carefully examined the records and accounts of said corporation, and faithfully estimated the value of the property and funds thereof, and that said certificate by them signed is true according to their best knowledge and belief; then no stockholder in such company shall be liable for any debts of the company contracted after the recording of such certificate, except for the causes and in the manner herein before provided.

Organizations heretofore made may be confirmed by stockholders, if legality is doubted.

SECTION 66. If doubts arise whether the organization is legal of any corporation intended to be organized under the provisions of chapter sixty-one of the General Statutes, or of any general or special act conferring upon corporations organized under its provisions the rights conferred by said chapter sixty-one of the General Statutes upon corporations organized under the provisions of said chapter, the stockholders, at a special meeting called for the purpose in the manner provided in section nine of this act, may by vote, confirm such organization and all proceedings under it, and by so doing and depositing and filing the same in the office of the secretary of the Commonwealth, such corporation and the subsequent acts of the company shall be held legal and valid as if the original organization had been legal.

Charters may be revoked by legislature.

SECTION 67. The charters of corporations established subject to the provisions of chapter thirty-eight of the Revised Statutes, or of chapters sixty and sixty-one of the General Statutes, or of this chapter, and of the corporations mentioned in sections sixty-four and sixty-five, may be revoked by the legislature for any cause which they deem sufficient.

Amendment and repeal.

SECTION 68. The provisions contained in this chapter may be amended or repealed at the pleasure of the legislature, so as to affect existing corporations, and the legislature may, by special acts, annul or dissolve any such corporation.

SECTION 69. Chapters sixty and sixty-one of the General Statutes; chapters one hundred and eighty-two, two hundred and ten, and two hundred and eighteen of the acts of the year eighteen hundred and sixty-two; section two of chapter two hundred and thirty-one, and chapter two hundred and forty-six of the acts of the year eighteen hundred and sixty-three; chapter two hundred and nineteen of the acts of the year eighteen hundred and sixty-four; chapter seventy-six of the year eighteen hundred and sixty-five; sections one and two of chapter one hundred and eighty-seven, and chapter two hundred and ninety of the acts of the year eighteen hundred and sixty-six; and chapters thirty-six, one hundred and thirty-one, and two hundred and sixty-four of the year eighteen hundred and sixty-seven, are hereby repealed, but this repeal shall not impair any right already acquired or liability incurred under existing laws.

Repeal.

Approved May 9, 1870.

AN ACT CONCERNING THE PRESERVATION OF PUBLIC BURYING
GROUNDS.

Chap. 225

Be it enacted, &c., as follows :

SECTION 1. Any person holding, occupying, or interested in any lot in the public burying grounds in any city or town in this Commonwealth, may deposit with the treasurer of any such city or town any sum of money, not exceeding five hundred dollars, which sum thus deposited, shall be entered upon the books of the treasury, and held in accordance with the provisions of the ordinances or by-laws of such city or town, in relation to the interment of the dead.

Person holding interest in public burying ground may deposit five hundred dollars with town treasurer;

SECTION 2. The purpose for which such deposit may be made, shall be to provide for the care, keeping and preservation of the fences, trees, shrubbery, monuments, tombs and other appendages of the lot of such person.

—for preservation of fences, trees, &c.

SECTION 3. Any city or town may receive money for the purpose aforesaid, and allow interest for the same at a rate not exceeding six per centum, per annum; and may establish any by-laws or ordinances not repugnant to the laws of this Commonwealth, as may be necessary for the purposes of this act.

Towns may receive deposit and allow interest at six per cent.

SECTION 4. This act shall be subject to amendment, alteration or repeal, at the pleasure of the legislature.

Subject to amendment or repeal.

Approved May 9, 1870.

Chap. 226 AN ACT RELATING TO SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS HOLDING REAL ESTATE.

Be it enacted, &c., as follows:

Savings banks may hold real estate for banking house, not exceeding ten per cent. of deposits.

SECTION 1. Any savings bank or institution for savings incorporated in this state, or that may be incorporated, shall have authority to hold real estate to an amount not exceeding ten per cent. of its deposits, and no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building, to be used for banking purposes; and all income arising from such real estate shall be devoted exclusively to the interests of said corporation: *provided*, that no savings bank or institution for savings shall hold real estate to an amount exceeding two hundred thousand dollars in value.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1870.

Chap. 227 AN ACT IN RELATION TO PROSECUTIONS FOR FINES AND FORFEITURES IN CITIES.

Be it enacted, &c., as follows:

Amendment to G. S. 19, § 15.

SECTION 1. Section fifteen of chapter nineteen of the General Statutes is hereby amended by striking out the word "principal."

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1870.

Chap. 228 AN ACT IN ADDITION TO AN ACT RELATING TO DRAINAGE IN THE TOWNS OF MALDEN AND MELROSE.

Be it enacted, &c., as follows:

Time extended for one year.

SECTION 1. The time within which the towns of Malden and Melrose may approve the act relating to drainage in said towns, being chapter three hundred and seventy-eight of the acts of eighteen hundred and sixty-nine, is hereby extended one year.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1870.

Chap. 229 AN ACT TO AMEND THE CHARTER OF THE CITY OF CAMBRIDGE.

Be it enacted, &c., as follows:

Treasurer to be collector of taxes.

SECTION 1. The city treasurer of the city of Cambridge shall be the collector of taxes within and for said city.

Repeal.

SECTION 2. All acts and parts of acts establishing the office of collector of taxes, and providing for the election of such officer in the city of Cambridge, are hereby repealed.

SECTION 3. This act shall take effect from its passage.

Approved May 9, 1870.

AN ACT TO CONFIRM A VOTE OF THE TOWN OF LEOMINSTER.

Chap. 230

Be it enacted, &c., as follows :

SECTION 1. The vote passed by the town of Leominster at a meeting held on the fourth day of April, in the year eighteen hundred and seventy, under the seventeenth article of the warrant for said meeting, is hereby confirmed and made valid and binding in law, and said town is authorized to raise money by taxation or otherwise, to pay the claims referred to in said vote.

Vote confirmed and made valid.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1870.

AN ACT TO CHANGE THE LOCATION OF FLORIDA BRIDGE AND PROVIDE FOR BUILDING AND MAINTAINING THE SAME.

Chap. 231

Be it enacted, &c., as follows :

SECTION 1. The county commissioners of the counties of Berkshire and Franklin, are hereby authorized and required to change the location of the bridge known as Florida Bridge, across the Deerfield River, between the town of Florida on the west side of said river, and the towns of Charlemont and Rowe, on the east side thereof, to a point about forty rods down said river ; and the expense of building and maintaining said bridge at its new location shall be paid one-half by the said town of Florida, one-fourth by said town of Charlemont, and one-fourth by said town of Rowe, and the liability of said towns respectively to all penalties and for all damages for any neglect in keeping said bridge safe and convenient for travel shall continue to be the same after the building of said bridge in the new location as they were in its former location.

Commissioners may change location of Florida bridge across Deerfield River.

Expense of building and maintaining.

Liability for damages.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1870.

AN ACT TO INCREASE THE GUARANTEE CAPITAL OF THE TRADERS AND MECHANICS INSURANCE COMPANY, AND TO AUTHORIZE SAID COMPANY TO HOLD REAL ESTATE.

Chap. 232

Be it enacted, &c., as follows :

SECTION 1. The Traders and Mechanics Insurance Company, in Lowell, is hereby authorized to increase its guarantee capital, by an addition thereto of the sum of fifty thousand dollars, to be divided into shares of one hundred dollars each : *provided*, the same shall be paid in within two years from the passage of this act.

\$50,000 additional guarantee capital.

SECTION 2. Said company may hold real estate for the convenient transaction of its business, to an amount not exceeding fifty thousand dollars.

Real estate not exceeding \$50,000.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1870.

Chap 233 AN ACT TO INCORPORATE THE WORCESTER AND SHREWSBURY STREET RAILWAY COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Lemuel B. Hapgood, Nathan Stone, Jesse J. Coburn, their associates and successors, are hereby made a corporation by the name of the Worcester and Shrewsbury Street Railway Company ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relative to street railway corporations.

Name.

Powers and duties.

May locate, &c., street railway in Worcester.

SECTION 2. Said corporation is hereby authorized to locate, construct, maintain and operate a street railway, commencing at a point on Main street in Worcester, so as to connect with the Worcester street railway track ; thence easterly over and upon Central street, the highway and private lands to the east end of the causeway at Quinsigamond lake ; and thence in Shrewsbury, over and upon the highway and private lands to some convenient point near Nelson and Rice's shop ; and said company may use a dummy engine on its track as far as the east end of Central street in Worcester.

Land damages.

SECTION 3. If said corporation shall locate its track over and upon any private lands, under the provisions of the second section of this act, all damages occasioned thereby, and claimed by any party, may be determined and recovered in the same manner as is now provided by law in case of lands taken for highways.

Shrewsbury may take stock not exceeding two and one-half per cent. of town valuation.

SECTION 4. The town of Shrewsbury is hereby authorized, when so voting by ballot and using the check-list, at a legal meeting duly called for the purpose, to subscribe for and hold shares of the capital stock, or the securities of said corporation, to an amount not exceeding two and one-half per centum of the valuation of said town for the year eighteen hundred and sixty-nine. And said town may pay for such shares or securities, so voted to be taken, out of its treasury, and may raise by loan upon bonds, or tax, or otherwise, any and all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property ; and the selectmen of said town, or any agent specially chosen for the purpose, shall have authority to subscribe for the shares or securities voted to be taken as aforesaid, and to represent said town at any and all meetings of said corporation.

Capital stock.

SECTION 5. The capital stock of said corporation shall not exceed the sum of seventy-five thousand dollars.

SECTION 6. This act shall take effect upon its passage.

Approved May 9, 1870.

AN ACT TO CHANGE THE NAME OF THE SOUTH PARISH IN NATICK.
Be it enacted, &c., as follows :

Chap. 234

SECTION 1. The name of the South Parish in Natick, a corporation established by chapter ninety-two of the acts of the year eighteen hundred and twenty-eight, is hereby changed to the First Unitarian Parish in Natick.

Name changed to First Unitarian Parish in Natick.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1870.

AN ACT TO AUTHORIZE THE EAST BOSTON DRY DOCK COMPANY TO
 EXTEND THEIR WHARF IN EAST BOSTON.

Chap. 235

Be it enacted, &c., as follows :

SECTION 1. License is hereby given to the East Boston Dry Dock Company to extend one of their northerly wharves or piers, not more than one hundred feet, towards the commissioner's line, as established in front of the property of said company in East Boston : *provided*, that all things done under this act shall be subject to the determination of the harbor commissioners, as provided in section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; and *provided*, that this license shall in no wise impair the legal rights of any person ; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

May extend wharves not more than one hundred feet.

Subject to control of harbor commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1870.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE NEW BED-
 FORD ORPHAN'S HOME.

Chap. 236

Be it enacted, &c., as follows :

SECTION 1. Section two of chapter eight of the acts of the year eighteen hundred and forty-three is hereby amended so that said corporation may hold, for the purposes mentioned in said act, real and personal estate to an amount not exceeding one hundred thousand dollars.

\$100,000 in real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1870.

AN ACT TO MAKE THE CHICOPEE BRIDGE FREE.

Chap. 237

Be it enacted, &c., as follows :

SECTION 1. The bridge over the Connecticut River, between the towns of Chicopee and West Springfield, including the piers and abutments thereof, is hereby laid out and shall become a public highway, when a bridge shall be constructed over the Connecticut River between the towns of Holyoke

Bridge between Chicopee and West Springfield made a public highway.

and South Hadley, and opened as a public highway, upon the acceptance of the award of the commissioners hereinafter named, by the supreme judicial court and entry of judgment thereon.

Commissioners
to be appointed
to assess dam-
ages;

SECTION 2. The supreme judicial court sitting in any county, or any justice thereof, after such notice as they may order, upon the application of the Cabot and West Springfield Bridge Company, or of ten legal voters of the town of Chicopee or West Springfield, shall appoint a board of three commissioners; and said commissioners, having first been duly sworn to the faithful and impartial discharge of their duties, shall after due notice to all the parties interested, and a hearing, determine and award the amount to be paid the said Cabot and West Springfield Bridge Company as damages for the laying out of said bridge, piers and abutments, and way, as a public highway; and for the land, toll-house and all appurtenances thereof, lying east of said bridge, belonging to said bridge company. Said commissioners shall also determine and decree what cities and towns in the county of Hampden are or will be specially benefited by the provisions of the first section of this act, and shall determine and decree what proportions of the damages aforesaid shall be paid by the said cities and towns, and by the county of Hampden respectively.

—to determine
manner of
maintenance of
bridge.

Said commissioners shall also determine in what proportions and manner the said county of Hampden, and the cities and towns benefited as aforesaid, shall defray the expenses of the maintenance and repairs of said bridge, abutments, piers and way and all other expenses properly incurred under the provisions of this act. And their determination and decree, or that of a major part of them, shall be made in writing and reported to the supreme judicial court for the county of Hampden, and also to said bridge company, and to each of said cities and towns, and to the county commissioners of Hampden County. And the same shall be binding upon all the parties interested therein, except that the said bridge company may appeal to a jury from the award of the commissioners. And if the said company shall not appeal to a jury within sixty days after receiving the award and decree of said commissioners as aforesaid, then the same shall be absolutely binding upon all the parties interested therein. When the same shall have been accepted and judgment entered thereon by the supreme judicial court, the just fees and expenses of said commissioners shall be paid by such of the parties interested as the said commissioners shall decree.

Fees and ex-
penses.

SECTION 3. If the said bridge company shall appeal to a jury from the award of the said commissioners as aforesaid, the same proceedings shall be had, and the same liabilities in regard to costs incurred, as is provided by law in the case of laying out highways by the county commissioners. The application for such jury shall be made to and acted upon by the county commissioners of Hampden county, and said jury may award to said bridge company a different sum as damages. The award of said jury shall be reported to the supreme judicial court, for the county of Hampden, and when accepted, final judgment shall be entered upon the award of the commissioners aforesaid, as modified by the award of said jury. All damages awarded and costs incurred under this section, shall be paid by the same parties, and in the same proportions, as is provided in relation to the payment of damages in section second, when the damages awarded by the jury shall exceed those awarded by the commissioners.

Appeal from award of commissioners.

Award of jury to be final if accepted by supreme judicial court.

SECTION 4. Upon the said bridge, piers, abutments and way becoming a highway as aforesaid, the selectmen of the towns of Chicopee and West Springfield shall have the care and superintendence of the same, and cause them to be kept in good repair, and safe and convenient for travel; the cost of the repairs, care and superintendence of said bridge, its abutments and piers, shall be borne by such parties as the board of commissioners shall determine, under authority herein before granted.

Selectmen of Chicopee and West Springfield to superintend bridge and make repairs.
Payment for repairs.

SECTION 5. Liability for defects in the bridge, its abutments and piers, shall exist on the part of the towns of Chicopee and West Springfield, in such proportions as the county commissioners of the county of Hampden shall determine.

Liability for defects in bridge.

SECTION 6. Upon the bridge becoming a public highway as herein provided, the fee simple in the toll-house, land and appurtenances thereof, belonging to the aforesaid bridge company, lying east of said bridge, shall be vested in the town of Chicopee, the income of which shall be used in repairs and superintendence of said bridge.

Toll-house, land, &c., to be vested in town of Chicopee.

SECTION 7. This act shall take effect upon its passage.

Approved May 9, 1870.

AN ACT TO PROVIDE FOR THE PURCHASE OF LAND AND THE ERECTION OF A STATE LUNATIC HOSPITAL IN PLACE OF THE PRESENT STATE LUNATIC HOSPITAL AT WORCESTER.

Chap. 238

Be it enacted, &c., as follows :

SECTION 1. The trustees of the state lunatic hospital at Worcester, are hereby authorized and empowered to take and hold by purchase, or otherwise, in the city of Worcester, suitable real estate for a site for a new lunatic hospital in that

Trustees may take or purchase land and erect buildings for new hospital in Worcester.

city, and to erect thereon suitable buildings, sufficient to accommodate four hundred lunatic patients, with a superintendent, steward, assistant physicians, and their several families, and all necessary subordinate officers and attendants. The said trustees shall have power to make all contracts and employ all agents necessary to carry into effect the powers herein conferred: *provided, however*, that the whole amount to be expended for the purposes aforesaid, shall not exceed the sum of five hundred and seventy-five thousand dollars. The said trustees shall present all their accounts to the auditor for examination and approval.

Whole expense
not to exceed
\$575,000.

\$100,000 appropriated to purchase land and commence erection of buildings.

SECTION 2. To meet the payments for such land as may be purchased or taken under the provisions of the preceding section, and for improving the same and commencing the erection of the new hospital buildings thereon, a sum not exceeding one hundred thousand dollars shall be allowed and paid out of the treasury of the Commonwealth, which sum shall be repaid from the proceeds of the sales of land, connected with the present hospital, to be made by the said trustees as hereinafter provided.

Liability for
damages.

SECTION 3. Said trustees shall be liable to pay all damages sustained by any persons, in their property, by the taking of any real estate for the purpose aforesaid. If any person who shall sustain damage, as aforesaid, cannot agree with said trustees upon the amount of said damages, he may have them assessed and paid in the same manner as is provided by law with respect to land taken for highways.

Trustees may
sell real estate
now owned by
State.

SECTION 4. Said trustees are hereby authorized and empowered, from time to time, to sell and convey in fee simple all the real estate of every description now owned by the Commonwealth in connection with the lunatic hospital at Worcester, in such parcels, for such prices, on such terms and conditions of payment, and with such covenants of title, on the part of the Commonwealth, as they may deem proper. All deeds of conveyance of said real estate shall be signed by not less than three-fourths of the trustees; and all moneys, notes, mortgages and securities, the proceeds of the sales of said real estate, shall be paid over and delivered to the treasurer of the Commonwealth, who shall keep a separate account of the same; and from the fund thereby created the treasurer shall, from time to time, pay such bills as may be contracted by the trustees and approved by the auditor of accounts, in the purchase of lands for the site of a new lunatic hospital and in the erection of hospital buildings, and in furnishing the same.

Proceeds of
sales to be paid
into state treasury.

SECTION 5. This act shall take effect upon its passage.

Approved May 9, 1870.

AN ACT TO CONFIRM AND MAKE VALID THE ORGANIZATION OF THE TRUSTEES OF THE METHODIST EPISCOPAL CHURCH AT GRANITEVILLE.

Chap. 239

Be it enacted, &c., as follows:

SECTION 1. The organization of the Trustees of the Methodist Episcopal Church at Graniteville, in the town of Westford, to wit: Charles G. Sargent, J. K. Proctor, Cyrus Hosmer, Samuel Fletcher, Arthur Wright, Lyman A. Smith and William Reed, as a corporation which was effected on the thirteenth day of August, in the year one thousand eight hundred and sixty-nine, under the general laws, and all gifts, devises, bequests and conveyances to them as a corporation, of real or personal estate, and all contracts made by, and subsequent proceedings of said trustees as a corporation, are hereby ratified and confirmed, and the same shall be taken to be good and valid in law to all intents and purposes whatsoever, and the several persons now appearing by the records of said corporation to have been chosen as officers thereof, are hereby authorized to perform all their respective official duties until their successors shall be chosen and qualified; and all acts done and performed by said officers in their supposed official capacities as officers of said corporation, are hereby fully ratified, confirmed and made valid in law to all intents and purposes whatsoever.

Organization
legalized.

SECTION 2. Said corporation shall hereafter be known as The Trustees of the Methodist Episcopal Church at Graniteville.

Approved May 9, 1870.

AN ACT TO INCORPORATE THE POCUMTUCK VALLEY MEMORIAL ASSOCIATION, IN DEERFIELD.

Chap. 240

Be it enacted, &c., as follows:

SECTION 1. George Sheldon, Robert Crawford, Nathaniel Hitchcock, their associates and successors, are hereby made a corporation by the name of the Pocumtuck Valley Memorial Association; to be located in the town of Deerfield, for the purpose of collecting and preserving such memorials, books, records, papers and curiosities as may tend to illustrate and perpetuate the history of the aborigines, and of the early settlers of that region.

Corporators.

SECTION 2. The said corporation may hold land on which to erect a suitable building; may receive, hold and manage, any devise, bequest, grant or donation, and may hold real estate to the value of twenty thousand dollars; with all the powers and privileges, and subject to all the liabilities of the provisions contained in the sixty-eighth chapter of the Gen-

Name and purpose.

May hold land, receive and manage bequests, &c. \$20,000 in real estate.

eral Statutes and all general laws, so far as the same may be applicable.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1870.

Chap. 241 AN ACT TO AUTHORIZE THE FRAMINGHAM AND LOWELL RAILROAD COMPANY TO ISSUE BONDS, AND AUTHORIZING THE CITY OF LOWELL AND CERTAIN TOWNS TO SUBSCRIBE FOR STOCK OF SAID COMPANY.

Be it enacted, &c., as follows :

May issue bonds at seven per ct. interest.

SECTION 1. The Framingham and Lowell Railroad Company is hereby authorized to issue bonds, under the provisions of the general laws, and bearing interest not exceeding the rate of seven per centum a year.

City of Lowell and towns within which railroad is located may take stock in road.

SECTION 2. The city of Lowell and the several towns within which the road of said railroad company shall be located, may subscribe for and hold shares of the capital stock or the securities of said company to an amount, in the case of the city of Lowell, not exceeding one per centum, and in the case of said towns, not exceeding five per centum of the valuation of said city and towns, respectively, for the year in which the subscription shall be made: *provided*, that two-thirds of the legal voters of said city and towns, respectively, present and voting by ballot, and using the check-list, at a legal meeting duly called for the purpose, shall vote to subscribe for such shares or securities: and *provided, also*, that the total amount of all subscriptions of said city and towns, respectively, which have been or may be made for the stock or securities of any railroad corporation or corporations, under authority of this or any previous act, shall not exceed five per centum of the assessed valuation of said city and towns respectively. Said city and towns may pay for such shares or securities, so voted to be taken, out of their respective treasuries, and may raise by loan upon bonds, or tax or otherwise, any and all sums of money which may be necessary to pay for the same; and may hold and dispose of the same like other city or town property; and the mayor and aldermen of said city and the selectmen of said towns, respectively, or any agent specially chosen for the purpose, shall have authority to represent said city and towns, respectively, at any and all meetings of said railroad company, and may vote on the whole amount of the stock so held, anything in chapter sixty-three of the General Statutes to the contrary notwithstanding.

Provisos.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1870.

AN ACT IN RELATION TO PROCEEDINGS FOR THE FORFEITURE OF ARTICLES SEIZED ON SEARCH WARRANTS.

Chap. 242

Be it enacted, &c., as follows :

SECTION 1. In all cases in which articles which have been seized on search warrants are condemned to be forfeited by the judgment of any trial justice or police court, any party aggrieved by such decree may appeal therefrom to the superior court; but before his appeal is allowed he shall recognize to the Commonwealth in the sum of two hundred dollars, with good and sufficient surety or sureties, to prosecute his appeal at the court appealed to, and to pay all such costs as may thereafter arise, in case final judgment is rendered against such articles, and to abide the judgment of the court thereon; and upon such appeal any question of fact shall be tried by a jury. And all the proceedings in the superior court, including the right of exception, shall be conformable, so far as may be, to those in criminal cases; and if upon the final judgment the articles shall be adjudged forfeit, the same shall be disposed of under the direction of the superior court in like manner as the trial justice or police court might have disposed of the same if no appeal had been taken.

When articles seized on search warrants are condemned to be forfeited, party aggrieved may appeal to superior court;

SECTION 2. In all cases in which articles have been seized upon search warrants, before any decree of forfeiture shall issue, the court or magistrate shall issue a written notice, under seal, and signed by the clerk of the court or by the magistrate, setting forth the substance of the complaint, commanding the persons, if any, in whose possession the things were found, and the owner, if alleged, and all other persons claiming any interest therein, to appear before said court or magistrate at a time and place therein named, to show cause, if any they have, why the things seized should not be forfeited.

—notice to be given to parties interested before decree of forfeiture is issued.

SECTION 3. The notice shall be served by any officer authorized to serve criminal process upon the person, if any, who is alleged to be the owner of the things seized, by leaving an attested copy of the same with him personally, or at his usual place of abode, if an inhabitant of this state, and by posting up an attested copy of the same on the house or building in which the things were seized, if they were found in any house or building, otherwise in some public place in the city or town where the things were seized. The posting up of the notice and the serving the same on the alleged owner, if any, shall be not less than fourteen days before the time appointed for trial.

Service of notice.

SECTION 4. If at the time appointed for trial such notice has not been duly served, or if it appears necessary that any of the things so seized should be kept longer for the purpose

Trial may be postponed if notice has not been duly served.

of being produced or used as evidence on any trial, or other sufficient cause appears, the trial may be postponed to some other day and place, and such further notice issued as the court or magistrate shall deem necessary.

SECTION 5. This act shall take effect upon its passage.

Approved May 12, 1870.

Chap. 243 AN ACT RELATING TO THE CHAPLAIN, AND THE PHYSICIAN AND SURGEON OF THE STATE PRISON.

Be it enacted, §c., as follows :

Chaplain of
state prison,
salary.

SECTION 1. The chaplain of the state prison shall perform divine service in the chapel of the prison, instruct the convicts in their moral and religious duties, visit the sick on suitable occasions, have charge of the school and library of the prison, under the direction of the warden and inspectors, and shall devote his whole time to the duties of his office, and shall receive an annual salary of two thousand dollars.

Physician and
surgeon, salary.

SECTION 2. The physician and surgeon of the state prison shall receive an annual salary of one thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved May 12, 1870.

Chap. 244 AN ACT IN RELATION TO THE SALARY OF THE COMMISSIONER OF SAVINGS BANKS.

Be it enacted, §c., as follows :

Commissioner
of savings
banks, salary.

SECTION 1. The commissioner of savings banks shall receive a salary of thirty-three hundred dollars, and no allowance or compensation shall be made for clerk hire, nor for travelling or other expenses.

SECTION 2. This act shall take effect upon its passage.

Approved May 12, 1870.

Chap. 245 AN ACT TO REVIVE THE CHARTER OF THE SHEFFIELD RAILROAD COMPANY.

Be it enacted, §c., as follows :

Charter re-
vived.

SECTION 1. Chapter one hundred and fifty-eight of the acts of the year eighteen hundred and sixty-six is hereby revived, and continued in force; and the time for the construction of the railroad of the company thereby incorporated, is extended to the first day of May, in the year eighteen hundred and seventy-two.

SECTION 2. This act shall take effect upon its passage.

Approved May 12, 1870.

Chap. 246 AN ACT TO AUTHORIZE THE FITCHBURG RAILROAD COMPANY TO CONSTRUCT A BRANCH RAILROAD.

Be it enacted, §c., as follows :

\$250,000 addi-
tional stock.

SECTION 1. The Fitchburg Railroad Company is hereby authorized to locate, construct, maintain and operate a

branch railroad, with one or more tracks, commencing at some convenient point on the railroad of said company in or near the town of Concord, and thence running to some point on the Lancaster and Sterling Branch Railroad of said company in the town of Stow, and for said purpose is hereby authorized to increase its capital stock to an amount not exceeding two hundred and fifty thousand dollars.

SECTION 2. Said Fitchburg Railroad Company may enter with its railroad upon, unite with and use the railroad of the Framingham and Lowell Railroad Company, and said last named company may enter with its railroad upon, unite with and use the railroad of said Fitchburg Railroad Company, subject to the provisions of the general laws.

May enter upon and unite with Framingham and Lowell Railroad.

SECTION 3. This act shall be void unless the railroad hereby authorized to be constructed, shall be located within two years, and constructed within three years from the passage hereof.

To be located in two years and constructed in three years.

SECTION 4. Said Fitchburg Railroad Company shall have, with respect to the branch railroad hereby authorized to be constructed, all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to railroad corporations.

Powers and duties.

SECTION 5. This act shall take effect upon its passage.

Approved May 12, 1870.

AN ACT TO INCORPORATE THE EMIGRANT SAVINGS BANK.

Be it enacted, &c., as follows :

SECTION 1. Patrick Donahoe, James McKenna, James Scott, Charles F. Donnelly, Joseph Finnoti, Jacob Pfaff, their associates and successors, are hereby made a corporation by the name of the Emigrant Savings Bank, to be located in Franklin Street, in the city of Boston ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force in this Commonwealth relating to institutions for savings.

Chap. 247

Corporators.

Name and purpose. Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved May 12, 1870.

AN ACT RELATING TO FREE INSTRUCTION IN DRAWING.

Be it enacted, &c., as follows :

SECTION 1. The first section of chapter thirty-eight of the General Statutes is hereby amended so as to include Drawing among the branches of learning which are by said section required to be taught in the public schools.

Chap. 248

Drawing to be taught in the public schools.

Industrial and mechanical drawing taught to persons over fifteen years of age.

SECTION 2. Any city or town may, and every city and town having more than ten thousand inhabitants, shall annually make provision for giving free instruction in industrial or mechanical drawing to persons over fifteen years of age, either in day or evening schools, under the direction of the school committee.

SECTION 3. This act shall take effect upon its passage.

Approved May 16, 1870.

Chap. 249 AN ACT FOR PROTECTION OF THE FISHERIES IN THE HEAD WATERS OF BUZZARD'S BAY.

Be it enacted, &c., as follows :

Seines, fish weirs, &c., not to be used in certain waters of Buzzard's Bay.

SECTION 1. No person shall draw, set, stretch or use any drag net, set net, purse or seine of any kind, or construct, maintain or use any fish weir, yard or pound for taking fish of any kind any where in the waters of Buzzard's Bay north-erly of or within a straight line extended from the entrance to the harbor in West Falmouth to Bird Island light; thence in a straight line to Great Neck Point, on the Marion shore, nor in any bay, cove, inlet, river, creek or stream bordering on or flowing into said waters within the limits aforesaid.

Penalties.

SECTION 2. Whoever violates any provision of this act, or aids or assists in violating the same, shall forfeit and pay to the use of any person who shall sue therefor, a sum of not less than twenty dollars nor more than one hundred dollars, to be recovered in an action of tort, in any court having jurisdiction of either party to such action; and shall also upon conviction of any violation of any provisions of this act before any justice or court competent to try the same, be imprisoned in the house of correction not exceeding sixty days, or pay a fine of not less than ten dollars or more than one hundred dollars, one half to the use of the complainant and the other half to the use of the county within whose jurisdiction the offence was committed.

Boats, seines, &c., unlawfully used to be forfeited to Commonwealth.

SECTION 3. Any net or seine used by any person in violating any provision of this act, together with any boat, craft or fishing apparatus used in unlawfully working such net or seine, and all fish found therewith, captured contrary to any provision of this act, shall be forfeited to the Commonwealth.

Nets and seines unlawfully used, declared common nuisances.

SECTION 4. All nets and seines in actual use set or stretched in violation of this act within the waters and limits aforesaid, holding fish contrary to any provisions of said act, are declared to be common nuisances.

Approved May 16, 1870.

AN ACT AUTHORIZING A FUND FOR EXPENSES OF THE EXECUTIVE DEPARTMENT.

Chap. 250

Be it enacted, &c., as follows :

SECTION 1. There shall be allowed and paid annually from the treasury of the Commonwealth, a sum not exceeding five thousand dollars for such expenses of the executive department as the governor may find necessary.

\$5,000 appropriated for expenses of executive department.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1870.

AN ACT TO CHANGE THE NAME OF THE AGRICULTURAL SOCIETY IN THE COUNTY OF PLYMOUTH.

Chap. 251

Be it enacted, &c., as follows :

The name of the agricultural society in the county of Plymouth, incorporated in the year eighteen hundred and nineteen, is hereby changed to the Plymouth County Agricultural Society.

Name changed to Plymouth County Agricultural Society.

Approved May 16, 1870.

AN ACT CONCERNING THE TROY AND GREENFIELD RAILROAD.

Chap. 252

Be it enacted, &c., as follows :

SECTION 1. There shall be allowed and paid from the treasury to the Vermont and Massachusetts Railroad Company and the Fitchburg Railroad Company the cost of rebuilding the bridge near the westerly depot of the Troy and Greenfield Railroad across the Deerfield River, and of taking care of and protecting that portion of said railroad now under lease to said companies, since the freshet of October last, and a sum not exceeding eighty-five per cent. of the actual cost of repairing the injuries caused by said freshet to said railroad, the same to be paid after the completion of said bridge and repairs, and upon the approval of the bills paid therefor by the governor and council.

Allowance for rebuilding railroad bridge across Deerfield River.

In consideration of said injuries to said railroad, six months rent thereof is hereby abated.

Rent abated.

SECTION 2. The governor and council are hereby authorized to improve the curves and other parts of said railroad as they may deem expedient: *provided*, they do not change the general location of the road; and *provided, also*, that the sum expended under the provisions of the first and second sections of this act shall not exceed one hundred thousand dollars.

Curves in road to be improved at an expense not exceeding \$100,000.

SECTION 3. A sum not exceeding fifteen hundred dollars may be allowed towards the cost of making a highway across the land of the Commonwealth near the east end of the Hoosac Tunnel, in case the same shall be laid out by the county commissioners of Berkshire County, to be expended in such manner as the governor and council shall determine.

Allowance towards cost of highway near east end of tunnel.

Companies may make contracts to facilitate transit of freight and passengers.

SECTION 4. Said railroad companies, together with the Troy and Boston Railroad Company, are hereby authorized to make such arrangements and contracts for business as the directors of said corporations may deem necessary to secure and facilitate the transit of both passengers and freight over their line of railroads between Boston and Troy: *provided*, the same be not inconsistent with existing laws, and do not impair the rights of the Commonwealth to regulate the tolls and freights of the roads, and duties of the companies chartered by this Commonwealth.

SECTION 5. This act shall take effect upon its passage.

Approved May 16, 1870.

Chap. 253 AN ACT TO REVIVE THE CHARTER OF THE SOUTH BOSTON FREIGHT RAILWAY COMPANY.

Be it enacted, &c., as follows :

Charter revived and confirmed.

SECTION 1. An act to incorporate the South Boston Freight Railway Company, passed the first day of May, in the year eighteen hundred and sixty-eight, is hereby revived and confirmed; and said corporation may be organized within two years after the passage of this act.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1870.

Chap. 254 AN ACT TO REVIVE THE CHARTER OF THE GRAVES END BRANCH STREET RAILWAY COMPANY AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Charter revived, and time for locating and constructing continued.

SECTION 1. Chapter twenty-two of the acts of the year eighteen hundred and sixty-eight, being an act to incorporate the Graves End Branch Street Railway Company, is hereby revived and continued in force; and the time for locating and constructing the railroad authorized thereby is hereby extended two years.

Road may be constructed from wards 4 and 5, to wards 1, 2 and 3.

SECTION 2. Said company may construct its road from some convenient point or points in wards four or five in the city of Lynn, to some convenient point or points in wards one, two and three of said city.

Capital stock not to exceed thirty-five thousand dollars.

SECTION 3. Section two of chapter twenty-two of the acts of the year eighteen hundred and sixty-eight is hereby so amended that the capital stock of the company named in said act, shall not exceed thirty-five thousand dollars.

SECTION 4. This act shall take effect upon its passage.

Approved May 16, 1870.

AN ACT TO AUTHORIZE THE TOWN OF PHILLIPSTON TO SUBSCRIBE TO THE STOCK OF THE WARE RIVER RAILROAD COMPANY.

Chap. 255

Be it enacted, §c., as follows :

SECTION 1. Section three of chapter seventy-three of the acts of the current year is hereby amended by inserting after the word "Winchendon" the words "and Phillipston."

Phillipston authorized to take stock in Ware River Railroad.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1870.

AN ACT TO CONFIRM CERTAIN ACTS DONE BY JAMES T. ROBINSON AS A COMMISSIONER TO ADMINISTER OATHS TO PUBLIC OFFICERS.

Chap. 256

Be it enacted, §c., as follows :

All acts done by James T. Robinson of Adams, as a commissioner to administer oaths to public officers, between the twenty-ninth day of January, in the year eighteen hundred and fifty-nine, and the first day of April, in the year eighteen hundred and seventy, are hereby made valid and confirmed to the same extent as though he had been during that time qualified to discharge the duties of said office.

Confirmation of official acts done by James T. Robinson, commissioner.

Approved May 16, 1870.

AN ACT IN RELATION TO PARTITION OF LANDS.

Chap. 257

Be it enacted, §c., as follows :

Commissioners appointed by any court to make partition of lands, held by joint tenants, coparceners, or tenants in common, if they become satisfied that a partition of such lands, or any separate and distinct portion thereof, cannot be made without great injury thereto, shall report the same to the court, with an appraisal of the true value of such lands, or separate and distinct portion thereof; whereupon, if the court, after proper notice to all persons interested in such lands, shall be of opinion that partition cannot be made without such injury, and that to secure the rights and best interests of the parties, a sale of the lands, or any separate and distinct portion thereof should be made, the court may order a sale of the same, and appoint some suitable person as trustee, to make the sale, in such manner and upon such terms and conditions as shall appear most fully to secure the rights and best interests of all parties concerned, and to convey the lands sold to the purchaser thereof, by deed duly executed; and the court may order such trustee, before he shall have any authority to make a sale, to give bond to the court, for the benefit of all parties interested in the lands to be sold, with sufficient sureties, in such sum as the court may order, for the faithful discharge of all the duties of such trust, and for the payment of the proceeds of any sale made

If partition cannot be made without injury, commissioners to report the same to court, with an appraisal.

Court may order sale to be made by a trustee.

Trustee to give bond;

—to return account of sales within one year.

Court to order distribution of proceeds.

to such persons as the court may order; and the trustee shall return into court, within one year after his appointment, and at any other times when required by the court, an account on oath of any sale made, and all charges and expenditures therefor, which account, if just and true, shall be allowed by the court; and the court shall thereupon order a distribution to be made of the remainder of the proceeds of such sale, to and among the persons entitled thereto according to their respective interests in the lands so sold, to be paid at such times, and upon the happening of such contingencies, as the court, having reference to the nature of their interests therein, may order; and any person having an interest in the lands so sold, may recover, by an action of contract, in his own name, against such trustee, or sureties in the bond, or both, all damages he may suffer from any breach of the conditions of such bond.

Approved May 20, 1870.

Chap. 258 AN ACT IN RELATION TO THE AGRICULTURAL SOCIETIES IN THE COMMONWEALTH.

Be it enacted, §c., as follows:

Societies not to receive more from state than has been paid in premiums during past year.

Chapter sixty-six of the General Statutes is hereby so altered and amended, that no agricultural society shall be entitled to receive a larger amount from the treasury of the Commonwealth in any one year, than it shall have awarded and actually paid in premiums during the year last preceding.

Approved May 20, 1870.

Chap. 259 AN ACT IN RELATION TO SHOW-BILLS.

Be it enacted, §c., as follows:

Penalty for destroying show-bill, placard, &c.

Any person who shall wilfully or maliciously mutilate, destroy or remove any show-bill, placard, programme, poster or other advertisement of any exhibition, show, or amusement licensed under the provisions of section seventy-four of chapter eighty-eight of the General Statutes, before the same has taken place, posted up on any walls, fence, bill-board or other structure not lawfully under his control, shall be punished by fine not exceeding ten dollars.

Approved May 20, 1870.

Chap. 260 AN ACT IN ADDITION TO AN ACT CONCERNING STREETS AND HIGHWAYS.

Be it enacted, §c., as follows:

Powers of county commissioners concerning making and completing highways.

SECTION 1. Whenever it becomes the duty of the county commissioners in any county, to cause a highway to be made and completed, they shall have the same authority that is given to selectmen in section three of chapter three hundred

and sixty-seven of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

Approved May 20, 1870.

AN ACT CONCERNING CONDITIONAL SALES OF PERSONAL PROPERTY.

Be it enacted, &c., as follows :

Whoever being in possession of any personal property, received upon a written and conditional contract of sale, shall, with intent to defraud, (before performance of the conditions precedent to acquiring the title to such property,) sell, convey, conceal, or aid in concealing the same, shall be punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding one year.

Selling, &c., personal property received upon written conditional contract of sale, punishable by fine, &c.

Approved May 20, 1870.

AN ACT IN ADDITION TO "AN ACT CONCERNING THE PROVISIONS FOR WIDOWS IN CERTAIN CASES."

Be it enacted, &c., as follows :

SECTION 1. Trustees appointed under the provisions of section two of chapter one hundred and sixty-four of the acts of the year eighteen hundred and sixty-one, shall be subject to the provisions of chapter one hundred of the General Statutes, so far as the same may be applicable.

Trustees appointed under 1861, 164, § 2, subject to G. S. 100.

SECTION 2. This act shall take effect upon its passage.

Approved May 20, 1870.

AN ACT IN RELATION TO THE APPOINTMENT OF GUARDIANS IN CERTAIN CASES.

Be it enacted, &c., as follows :

SECTION 1. When a judge or register of probate for any county desires to be appointed guardian of his minor child, being an inhabitant of or residing in the same county, such appointment may be made, and all subsequent proceedings in regard thereto had in the probate court of the most ancient adjoining county.

Judge, &c., of probate may be appointed guardian of his minor child.

SECTION 2. This act shall take effect upon its passage.

Approved May 20, 1870.

AN ACT CONCERNING THE RECORDING OF ATTACHMENTS OF REAL AND LEASEHOLD ESTATES.

Be it enacted, &c., as follows :

SECTION 1. When an attachment of real or leasehold estates on mesne process is made, the copy of the original writ and officer's return, now by law provided to be deposited in the office of the clerk of courts for the county where the lands lie, shall hereafter, in counties where there is more than one office for the registry of deeds, be recorded in the

When real estate is attached on mesne process, copy of writ and officer's return to be recorded in registry of deeds.

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Chap. 264

registry for the district where the attached lands lie. All the powers and duties relative thereto, now vested in or to be performed by said clerk of courts, shall be vested in and performed by the register of deeds in said districts, and with like legal effect. All the provisions of law relating to the deposition of such copy and officer's return in the office of the clerk of courts shall be applicable to the deposition of the same in the office of the register of deeds under this act.

When it appears of record that an attachment is dissolved, clerk to notify register.

SECTION 2. When it appears of record in the court where a suit is pending in which an attachment of real estate has been made, that the attachment has been dissolved, it shall be the duty of the clerk of the court to forward to the register of deeds for the district where it appears by the officer's return said copy was deposited by him, a certificate of the fact of such dissolution, and how the dissolution was made. The register shall file such certificate with the copy of the original writ, and also make a record thereof in his docket of attachments.

Approved May 20, 1870.

Chap. 265

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY-SEVEN OF THE ACTS OF EIGHTEEN HUNDRED AND SIXTY-TWO, CONCERNING THE HINGHAM AND QUINCY TURNPIKE AND BRIDGES.

Be it enacted, &c., as follows :

Three commissioners to be appointed;

SECTION 1. The governor, with the advice and consent of the council, shall as soon as may be after the passage of this act, appoint a board of three commissioners, who shall be sworn to the faithful and impartial discharge of their duties. It shall be the duty of said commissioners, after due notice to all parties interested and a hearing, to determine and decree what towns and cities in this Commonwealth are or will be specially and directly benefited by the provisions of the first section of the act hereby amended; and shall also determine and decree, in what proportions and in what manner the said towns and cities shall defray the expenses incurred after the passage of this act for the maintenance and repair of the abutments, draws, piers and bridges mentioned in said act, the reasonable expenses, costs and charges of said commission, and all other expenses properly incurred under this act and the act hereby amended, not otherwise specially provided for, and their determination and decree, or that of a major part of them, shall be made in writing and reported to the supreme judicial court for either of the counties of Plymouth, Norfolk or Suffolk; and the same having been accepted by said court, after due notice thereof served upon each of said cities and towns in such manner as said court may order, shall be binding upon said cities and towns.

—to determine what towns are benefited and in what proportions and manner expenses of repairs, &c., shall be paid;

SECTION 2. Said commissioners may in like manner determine and decree what officers shall have the care and superintendence of the said abutments, bridges, draws and piers, and perform the duties by the provisions of said act imposed upon the chairmen of the selectmen of the towns of Quincy, Weymouth and Hingham: *provided, however*, that until the acceptance of said report as herein before provided, the said chairmen shall continue to perform the duties imposed upon them by said act.

—to determine what officers shall have care and superintendence of bridges, &c.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved May 20, 1870.

AN ACT TO CHANGE THE NAME OF THE GREENLEAF AND TAYLOR MANUFACTURING COMPANY.

Chap. 266

Be it enacted, &c., as follows :

SECTION 1. The Greenleaf and Taylor Manufacturing Company, a corporation established in Springfield, under the general laws, shall be called and known as the Massasoit Paper Manufacturing Company, on and after the first day of January, eighteen hundred and seventy-one.

Name changed to "Massasoit Paper Manufacturing Company."

SECTION 2. This act shall take effect upon its passage.

Approved May 20, 1870.

AN ACT TO INCORPORATE THE ADAMS SUGAR REFINERY.

Chap. 267

Be it enacted, &c., as follows :

SECTION 1. Seth Adams, Isaac Adams, Warren Fisher, junior, and Aquila Adams, their associates and successors, are hereby made a corporation by the name of the "Adams Sugar Refinery," for the purpose of refining sugar in the city of Boston; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relative to such corporations.

Corporators.

Name and purpose.

SECTION 2. The capital stock of said corporation shall not exceed one million dollars, which shall be divided into shares of one hundred dollars each; and said corporation may hold for the purpose aforesaid real estate to an amount not exceeding five hundred thousand dollars, and shall not commence business until five hundred thousand dollars of its capital stock shall have been paid in in cash.

Capital stock and shares.

Real estate.

SECTION 3. This act shall take effect upon its passage.

Approved May 20, 1870.

AN ACT TO AUTHORIZE THE HAMPDEN MILLS TO INCREASE ITS CAPITAL STOCK.

Chap. 268

Be it enacted, &c., as follows :

SECTION 1. The Hampden Mills, incorporated by an act passed on the twenty-ninth day of March, in the year one

Additional capital stock.

Real estate.

thousand eight hundred and fifty-three, is hereby authorized to increase its capital stock to an amount not exceeding five hundred thousand dollars; and said corporation may hold real estate for the purposes for which it was incorporated not exceeding in amount four hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 20, 1870.

Chap. 269 AN ACT TO INCORPORATE THE GRAFTON AND MILLBURY RAILROAD COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. W. D. Wheeler, Rufus E. Warren, J. H. Wood, their associates and successors, are hereby made a corporation by the name of the Grafton and Millbury Railroad Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to railroad corporations.

Name.

Powers and duties.

May build road from Boston and Albany Railroad in Grafton, to Millbury Branch in Armory Village in Millbury.

SECTION 2. Said corporation is hereby authorized to locate, construct, maintain and operate a railroad, with one or more tracks, from some convenient point on the railroad of the Boston and Albany Railroad Company in the town of Grafton, and thence running through, or as nearly through the village in the centre of said town as may be, to some convenient point at or near the station of the Millbury Branch Railroad in Armory Village, so called, in said Millbury; and said corporation may enter with its railroad upon, unite the same with, and use the railroad of the Boston and Albany Railroad Company, and said last mentioned railroad company may enter with its railroad upon, unite the same with and use the railroad of said corporation, subject to the provisions of the general laws.

Capital stock and shares.

SECTION 3. The capital stock of said corporation shall not exceed the sum of two hundred and fifty thousand dollars, nor be less than one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, the number of which shall be determined from time to time by its directors.

May construct road in two sections.

SECTION 4. Said corporation is hereby authorized to construct its road in two sections, the location of which shall be determined by said corporation and shall be duly filed; and said corporation may commence the construction of either of said sections whenever shares of the capital stock shall have been subscribed to the amount and at the rate of twenty-five thousand dollars per mile of such section, and twenty per cent. of the par value of each and every of such shares has

been actually paid into its treasury, and a certificate thereof subscribed and sworn to by the president and a majority of the directors shall have been filed in the office of the secretary of the Commonwealth.

SECTION 5. The towns of Grafton and Millbury may severally subscribe for and hold shares of the capital stock or the securities of said corporation, to an amount not exceeding five per centum of the valuation of said towns, respectively, for the year in which the subscription shall be made: *provided*, that two-thirds of the legal voters of said towns, respectively, present and voting by ballot, and using the check-list, at a legal meeting duly called for the purpose, shall vote to subscribe for such shares or securities; and *provided, also*, that the total amount of all subscriptions of said towns, respectively, which have been or may be made to the stock or securities of any railroad corporation or corporations under authority of this or any previous act, shall not exceed five per centum of the assessed valuation of said towns respectively. Said towns may pay for such shares or securities, so voted to be paid out of their respective treasuries, and may raise by loan upon bonds, or tax, or otherwise, any and all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property; and the selectmen of said towns, respectively, or any agent specially chosen for the purpose, shall have authority to represent said towns respectively, at any and all meetings of said corporation, and may vote on the whole amount of the stock so held, anything in chapter sixty-three of the General Statutes notwithstanding.

SECTION 6. Said corporation is hereby authorized to sell or lease its railroad, franchise and other property to the Boston and Albany Railroad Company, and said last named company is hereby authorized to purchase or hire the same.

SECTION 7. This act shall take effect upon its passage, and shall be void unless said railroad shall be located within two years and constructed within three years from the passage hereof.

Approved May 20, 1870.

Grafton and Millbury may take stock in road not exceeding five per cent. of towns valuation.

Proviso.

Proviso.

May sell or lease road to Boston and Albany Railroad.

To be located within two years and constructed within three years.

AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE WEIR BRANCH RAILROAD CORPORATION.

Be it enacted, &c., as follows:

SECTION 1. The Weir Branch Railroad Corporation may use any motive power in the operation of its railroad, that may be authorized by the board of mayor and aldermen of the city of Taunton, and said board may at all times regulate and control the rate of speed to be run thereon.

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May use such motive power as mayor and aldermen of Taunton may authorize.

Repeal.

SECTION 2. Section five of chapter one hundred and eighty-nine of the acts of the year eighteen hundred and forty-seven is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 20, 1870.

Chap. 271

AN ACT TO AUTHORIZE THE VERMONT AND MASSACHUSETTS RAILROAD COMPANY TO CONSTRUCT A RAILROAD FROM THE TURNERS FALLS BRANCH RAILROAD.

Be it enacted, §c., as follows:

May build railroad from Turners Falls Branch in Montague to Grout's Corner.

\$300,000 additional capital stock.

Powers and duties.

To be located within four years and constructed within six years.

SECTION 1. The Vermont and Massachusetts Railroad Company is hereby authorized to locate, construct, maintain and operate a railroad, with one or more tracks, commencing at a convenient point in the Turners Falls Branch Railroad of said company, easterly of the Connecticut River Bridge, in the town of Montague, and thence running to some convenient point in the railroad of said company, at or near Grout's Corner, so called, and for said purpose is hereby authorized to increase its capital stock to an amount not exceeding three hundred thousand dollars.

SECTION 2. Said Vermont and Massachusetts Railroad Company shall have, with respect to the railroad hereby authorized to be constructed, all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the general laws which now are, or hereafter may be in force, relating to railroad corporations, so far as the same may be applicable thereto.

SECTION 3. This act shall take effect upon its passage, and shall be void unless the railroad hereby authorized to be constructed shall be located within four years, and constructed within six years, from the passage thereof.

Approved May 20, 1870.

Chap. 272

AN ACT TO CHANGE THE NAME OF THE CONGREGATIONAL SABBATH SCHOOL AND PUBLISHING SOCIETY OF BOSTON, TO THE CONGREGATIONAL PUBLISHING SOCIETY OF BOSTON.

Be it enacted, §c., as follows:

Name changed to "Congregational Publishing Society."

Gifts, devises, &c., to be held under new name.

SECTION 1. The Congregational Sabbath School and Publishing Society of Boston, shall take the name of the Congregational Publishing Society of Boston, and shall thereafter be known by said name, and by said name shall have, hold and enjoy all its rights and privileges, and be subject to all its liabilities and obligations, to the same extent as if its name had not been changed.

SECTION 2. Any gift, devise, bequest or legacy, which has been, or may hereafter be given or made to said society, under any name it has heretofore had, shall be held, enjoyed

and appropriated by said society under its new name, in like manner and to the same purposes as it would have been if said name had not been changed.

SECTION 3. This act shall take effect upon its passage.

Approved May 20, 1870.

AN ACT RELATING TO THE PRINTING OF CERTAIN PUBLIC REPORTS
AND DOCUMENTS.

Chap. 273

Be it enacted, &c., as follows :

SECTION 1. The provisions of section two of chapter four of the General Statutes are hereby so amended, as to exclude the reports of the state liquor commissioner and of the Rainsford Island hospital from the printed series of public documents, and also from the series of annual reports of public officers, boards, and institutions, which the secretary of the Commonwealth is now required to lay before the legislature in a printed form.

Reports of
liquor commis-
sioner and
Rainsford
Island hospital.

SECTION 2. The edition of the annual report of the adjutant-general shall hereafter be limited to two thousand five hundred copies, of which one thousand five hundred copies shall be delivered to the department of the adjutant-general for such distribution as he may direct.

Report of the
adjutant-general
limited to
two thousand
five hundred
copies.

SECTION 3. This act shall take effect upon its passage.

Approved May 25, 1870.

AN ACT RELATING TO THE PUBLICATION OF CRIMINAL STATISTICS.

Chap. 274

Be it enacted, &c., as follows :

Section fourteen of chapter fourteen of the General Statutes is hereby amended by striking out the following words at the close of the section: "and append the same to the annual report of the attorney-general."

Amendment to
G. S. 14, § 14.

Approved May 25, 1870.

AN ACT TO FACILITATE THE TRANSACTION OF BUSINESS IN PROBATE
COURTS.

Chap. 275

Be it enacted, &c., as follows :

SECTION 1. Judges of the probate courts may transact business out of court at any time and place, when all parties entitled to notice therein assent thereto in writing, or voluntarily appear; entering their decrees in such cases as of such sessions of the court as the convenience of the parties requires.

Judges of probate may trans-
act business out
of court when
all parties, as-
sent in writing.

SECTION 2. Chapter four hundred and twenty-four of the acts of the year eighteen hundred and sixty-nine is hereby repealed.

Repeal.

Approved May 25, 1870.

Chap. 276 AN ACT TO AMEND AN ACT CONCERNING RAILROAD BRIDGES AND BRIDGE GUARDS.

Be it enacted, &c., as follows :

Amendment to
1869, 308, § 1.

SECTION 1. Section one of chapter three hundred and eight of the acts of the year eighteen hundred and sixty-nine, is hereby amended, by striking out the words "county commissioners of the county within which such bridge shall be located," and inserting in place thereof the words "board of railroad commissioners;" and section two of said act is hereby amended, by striking out the words "county commissioners of the county within which such bridge is located," and inserting in place thereof the words "board of railroad commissioners."

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1870.

Chap. 277 AN ACT CONCERNING THE OATHS OF EXECUTORS, ADMINISTRATORS AND GUARDIANS ASKING LEAVE TO SELL REAL ESTATE.

Be it enacted, &c., as follows :

Oath of executor, &c., asking leave to sell real estate, may be filed any time before license issues.

SECTION 1. The oath required by law to be taken by an executor, administrator, or guardian, before fixing on the time and place of sale of real estate under a license of the probate court, may be filed in the probate office at any time before the license is issued.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1870.

Chap. 278 AN ACT TO CONFIRM THE DOINGS OF THE BOARD OF ALDERMEN OF THE CITY OF SPRINGFIELD, IN LOCATING AND CHANGING THE GRADE OF CERTAIN STREETS.

Be it enacted, &c., as follows :

Doings of aldermen of Springfield in locating and widening streets, confirmed.

SECTION 1. The doings of the board of aldermen of the city of Springfield, since the seventeenth day of June, in the year eighteen hundred and sixty-seven, in locating, widening, changing the grade of, or otherwise altering the following streets in said city, to wit: Townsley Avenue, Grant Street, King Street, Dwight Street, Willow Street, Morris Street, Linden Street, Loring Street, Congress Street, Maple Street and Osgood Street, and the award and payment of damages therefor, are hereby ratified and confirmed, so far that every such location, widening, change of grade, or other alteration, award and payment of damages shall be deemed valid and legal.

Party aggrieved may have a jury to determine damages.

SECTION 2. Any party aggrieved by any such award of damages, may have a jury to determine the same, upon applica-

tion therefor, as now provided by law, within one year after this act shall take effect.

SECTION 3. This act shall take effect upon its passage.

Approved May 25, 1870.

AN ACT TO EXTEND THE TIME FOR THE LOCATION AND CONSTRUCTION OF THE WEST AMESBURY BRANCH RAILROAD, AND FOR OTHER PURPOSES.

Chap. 279

Be it enacted, §c., as follows :

SECTION 1. The time for the location and construction of the railroad of the West Amesbury Branch Railroad Company is hereby extended two years.

Time for location and construction extended.

SECTION 2. Said railroad company is hereby authorized to sell or lease its railroad, franchise and other property to any other railroad company, or to contract with any other railroad company for the use and operation of said railroad ; and any railroad company is hereby authorized to purchase or hire said railroad, franchise and other property, or to contract with said railroad company for the use and operation of said railroad.

May sell or lease franchise or other property.

SECTION 3. This act shall take effect upon its passage.

Approved May 25, 1870.

AN ACT TO INCORPORATE THE ODD FELLOWS' BUILDING ASSOCIATION, IN GEORGETOWN.

Chap. 280

Be it enacted, §c., as follows :

SECTION 1. Alfred B. Noyes, George H. Carleton, William K. Lambert, their associates and successors, are hereby made a corporation by the name of the Odd Fellows' Building Association, in the town of Georgetown, for the purpose of erecting a building in the town of Georgetown, and maintaining the same for the accommodation and purposes of an Odd Fellows' hall, lectures and any other lawful purpose ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws of this Commonwealth, which now are or may hereafter be in force, so far as applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation shall have a capital stock not exceeding fifty thousand dollars, divided into shares of one hundred dollars each, and may hold, for the purposes aforesaid, real and personal estate not exceeding the amount of the capital stock : *provided*, that said corporation shall incur no liability until ten thousand dollars of its capital stock has been actually paid in in cash.

Capital stock and shares.

Not to incur liability until \$10,000 cash has been paid in.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1870.

Chap. 281 AN ACT TO INCORPORATE THE MASSACHUSETTS GRAND LODGE OF THE KNIGHTS OF SAINT CRISPIN.

Be it enacted, &c., as follows :

Mass. Grand Lodge of Knights of St. Crispin incorporated.

SECTION 1. Galen E. Pratt, N. W. Stoddard, W. A. Snow, and their associates, the officers and members of the voluntary association known as the Massachusetts Grand Lodge of the Knights of Saint Crispin, and their successors, are hereby incorporated under the name of the Massachusetts Grand Lodge of the Knights of Saint Crispin, to be located in the city of Boston, for the purpose of managing and administering the funds belonging to said voluntary association.

Powers and duties.

SECTION 2. Said corporation shall have all the powers and privileges, and be subject to all duties, liabilities and restrictions set forth in all general laws relating to corporations which now are, or hereafter may be in force in this Commonwealth, so far as the same are applicable to corporations for charitable purposes.

Investment of funds.

SECTION 3. Said corporation may invest any of the funds belonging thereto in the stock of any coöperative association duly organized under the provisions of chapter two hundred and ninety of the acts of the year eighteen hundred and sixty-six, or of chapter two hundred and twenty-four of the acts of the present year, and such subscription may be to the extent of five thousand dollars in any one association.

Real and personal estate.

SECTION 4. Said corporation may take and hold by gift, grant or purchase, real and personal estate, not exceeding in value the sum of one hundred thousand dollars.

First meeting of corporation.

SECTION 5. Said Galen E. Pratt is hereby authorized to call the first meeting of said corporation, by advertisement in two newspapers printed in Boston, one week previous thereto, and appoint the time and place thereof, at which meeting the mode of calling future meetings shall be regulated.

SECTION 6. This act shall take effect upon its passage.

Approved May 26, 1870.

Chap. 282 AN ACT IN ADDITION TO AN ACT IN RELATION TO A FREE BRIDGE ACROSS THE CONNECTICUT RIVER BETWEEN HOLYOKE AND SOUTH HADLEY.

Be it enacted, &c., as follows :

Commissioners of Hampden and Hampshire may contract with any corporation for use of bridge.

SECTION 1. The county commissioners of the counties of Hampden and Hampshire are hereby authorized to negotiate and contract in behalf of their respective counties, with the Connecticut River Railroad Company, or any other railroad corporation or corporations, for the use of a portion of the bridge authorized by the act of the present legislature, to which this act is in addition, to be laid out and constructed

over the Connecticut River, between the towns of Holyoke and South Hadley, upon such terms and conditions as may be deemed just and equitable, and may adapt the bridge to such use: *provided*, that in any such contract there shall be reserved to the county commissioners of said counties the power to alter or annul the same, upon reasonable notice, whenever in their judgment the public good shall require it; and *provided, further*, that no contract shall be made with any one corporation under the provisions of this section to the exclusion of others who may need or desire a joint occupancy or use of said bridge.

Proviso.

Proviso.

SECTION 2. The Connecticut River Railroad Company or any other railroad corporation or corporations, are hereby authorized to negotiate and contract with said counties of Hampden and Hampshire for the purposes mentioned in the preceding section.

Corporations authorized to contract with Hampshire and Hampden Counties.

SECTION 3. This act shall take effect upon its passage.

Approved May 27, 1870.

AN ACT FOR THE LAYING OUT OF ONE OR MORE PUBLIC PARKS IN OR NEAR THE CITY OF BOSTON.

Chap. 283

Be it enacted, &c., as follows:

SECTION 1. The governor, with the advice and consent of the council, shall as soon as may be after the passage of this act, appoint four competent commissioners, who shall hold their offices until the expiration of terms of two, three, four and five years, respectively, from the first day of January, eighteen hundred and seventy. The governor shall, in like manner, before the first day of January in each year after the year eighteen hundred and seventy-one, appoint a commissioner to continue in office for the term of four years from said day. The city council of the city of Boston shall also without delay, by concurrent vote of both branches thereof, appoint four other commissioners, who shall hold their offices for the same terms as the four commissioners first to be appointed by the governor as aforesaid; and the said city council shall in like manner, in each year after the present, appoint one commissioner to continue in office for the term of four years from the first day of January then next ensuing.

Four commissioners to be appointed by governor, and four others by city council of Boston.

SECTION 2. Said commissioners, so appointed as aforesaid, shall, with the mayor of the city of Boston for the time being, constitute a board of park commissioners, and shall be and remain a corporation for the purposes set forth in this act, and any vacancy occurring in said board shall be filled, for the residue of the term of the commissioner whose

Commissioners with mayor of Boston to constitute board of park commissioners.

Vacancies.

place is to be filled, in the same manner and by the same authority in and by which such commissioner was originally appointed.

Approval of majority required when expenditure of over five hundred dollars is involved.

SECTION 3. No action of said board involving an expenditure of over five hundred dollars shall be final and binding unless it shall have received the approval of a majority thereof, and no member of said board shall receive any compensation for his services, but each commissioner shall be entitled to receive, for his personal expenses incurred in the performance of his duties under this act, a sum not exceeding five hundred dollars per annum, to be paid from the treasury of said city.

Board may locate one or more parks, appoint officers, &c.

SECTION 4. Said board shall have power to locate, in or near the city of Boston, for the recreation, health and benefit of the people, one or more public parks, and for that purpose from time to time to take and hold by purchase or otherwise any and all such lands as they may deem desirable therefor, to lay out, improve, govern and regulate any such park or parks, and the use thereof, to pass ordinances for the regulation, use and government thereof; and for breaches of such ordinances to affix penalties not exceeding twenty dollars for one offence, which penalties may be recovered by said board to its own use on complaint before the municipal court of the city of Boston; to appoint all necessary engineers, surveyors, clerks and other officers, including a police force to act in such parks; to define the powers and duties of such officers and fix the amount of their compensation; to take and hold any gifts, bequests or devises that may be made to them for the purpose of improving or ornamenting any of said parks, and generally to do all needful acts for the proper execution of the powers and duties granted to or imposed upon them by this act: *provided, however*, that said board shall not incur an expenditure of more than fifty thousand dollars during any one year in the care, improvement and ornamentation of any lands taken by them under this act; and *provided, further*, that in case any land outside of the limits of the city of Boston shall be located under this act, such land shall not be taken or laid out as aforesaid until such action shall have been approved within sixty days thereafter, by a vote of two-thirds of the city council of such city within which such land lies, or a majority of the voters of such town within which such land lies, present and voting thereon, at a legal meeting duly called for that purpose.

Provisos.

To file description of land taken in registry of deeds.

SECTION 5. Said board shall, within sixty days after the taking of any land under this act, file in the registry of deeds for the county where such land is situated, a description thereof, sufficiently accurate for identifying the same.

SECTION 6. Said board shall estimate and determine all damages sustained by any persons by the taking of land or other acts of said board in the execution of the powers vested in them by this act; but any party aggrieved by any such determination of said board may have his damages assessed by a jury of the superior court, in the county where the land lies, in the same manner as is provided by law with respect to damages sustained by reason of the laying out of ways in the city of Boston.

To estimate damages for land taken.

SECTION 7. The city of Boston shall in the first instance be liable to pay all damages assessed or determined as provided in the preceding section, and all other costs and expenses incurred by said board in the execution of the powers vested in them by this act.

Boston to pay damages assessed by commissioners.

SECTION 8. The supreme judicial court, or any justice thereof, shall, from time to time, not oftener than once in two years, upon application of the city of Boston, appoint three commissioners, who after having been sworn to the faithful and impartial discharge of their duties, and after due notice to and fully hearing all parties interested, shall determine and decree what proportion, if any, of moneys previously paid by the city of Boston under the preceding section, shall be refunded to said city by any other cities and towns which may have been benefited by the expenditure of such moneys, apportioning the amount to be paid by each city or town according to the benefit accruing to each.

Commissioners appointed by S. J. C. to apportion damages between Boston and other places.

SECTION 9. The determination and decree of such commissioners, or of the majority of them, shall be made in writing and reported to the supreme judicial court and to the clerks and treasurers of each of the cities and towns which shall be decreed by them to pay any sums of money as aforesaid, and such determination and decree, when accepted and after judgment entered thereon by the supreme judicial court, shall be final and binding upon all parties. The just fees and expenses of said commissioners shall be paid by such of said cities and towns as the said commissioners shall decree.

Determination of commissioners to be binding when accepted by S. J. C.

SECTION 10. Any real estate which, in the opinion of the board of park commissioners, shall receive any benefit and advantage from the locating and laying out of a park under the provisions of this act, may, after like notice to all parties interested as is provided by law to be given by the board of aldermen of the city of Boston in cases of laying out of streets in said city, be assessed by said board of commissioners for a proportional share of the expense of such location and laying out: *provided*, that the entire amount so assessed

Real estate benefited may be assessed.

upon any estate, shall not exceed one-half of the amount which said board shall adjudge to be the whole benefit received by it.

Assessments to be made within two years;

SECTION 11. No assessment shall be made as provided in the preceding section except within two years after the passage of the order, the execution of which causes the benefit for which the assessment is made.

—to be lien upon estates and collected like taxes.

SECTION 12. All assessments made under this act shall constitute a lien upon the real estate so assessed, to be enforced and collected by the city of Boston, in the same manner and with like charges for costs and interest as is provided by law for the collection of taxes; and such assessments may be apportioned by said board in like manner as assessments for benefits caused by the laying out of ways may now be apportioned by the board of aldermen of a city.

Parties aggrieved may have jury.

SECTION 13. Any party aggrieved by any assessment made by said board as aforesaid, may have the amount of the benefit received by his estate assessed by a jury of the superior court of the county where the land lies, in the same manner as is provided by law with respect to damages sustained by reason of the laying out of ways in the city of Boston.

Bonds may be issued by towns to pay expenses.

SECTION 14. For the purpose of defraying the expenses incurred by any city or town under the provisions of this act, the city council of any such city, or the selectmen of any such town, shall have authority to issue from time to time, and to an amount not exceeding the amount of such expenses, bonds or certificates of debt, to be denominated on the face thereof the Public Park Loan of such city or town, and to bear interest at such rate and to be payable at such periods as such council or selectmen may determine.

Military parades not allowed in park without consent of board.

SECTION 15. No military encampment, parade, drill, review or other military evolution or exercise shall be held or performed on any park laid out as aforesaid, except with the prior consent of said board; nor shall any military body, without such consent, enter or move in military order within the same, except in case of riot, insurrection, rebellion or war.

Board to report annually to governor and council and city council of Boston.

SECTION 16. Said board shall annually, in the month of January, make to the governor and council and to the city council of Boston, a full report of the doings of said board for the preceding year, including a detailed statement of all their receipts and expenditures and of all gifts, bequests and devises received by them.

SECTION 17. This act shall not take full effect unless accepted by two-thirds of the legal voters of the city of Boston, present and voting thereon by ballot and using the check-list, at meetings which shall be held in the several wards of said city, on the Tuesday after the first Monday of November of the present year, and upon notice thereof duly given at least seven days before the time of said meetings, and the polls shall be opened at nine o'clock in the forenoon of said day and closed at six o'clock in the afternoon of said day. In case of the absence of any ward officer at any ward meeting in said city, held for the purpose aforesaid, a like officer may be chosen *pro tempore* by hand vote, and shall be duly qualified and shall have all the powers and be subject to all the duties of the regular officer at said meetings. Said ballots shall be "yes" or "no" in answer to the question: "Shall an act passed by the legislature of the Commonwealth, in the year eighteen hundred and seventy, entitled 'An Act for the laying out of one or more parks in or near the city of Boston' be accepted?" Such meetings shall be called, notified and warned by the board of aldermen of said city in the same manner in which elections for municipal officers are called, notified and warned.

Subject to acceptance by two-thirds of the legal voters of Boston.

The ballots given in shall be assorted, counted and declared in the ward meetings in which they are given, in open ward meeting, and shall be registered in the ward records. The clerk of each ward shall make return of all ballots given in his ward and the number of ballots in favor of the acceptance of this act, and the number of ballots against its acceptance, to the board of aldermen; said returns to be made within forty-eight hours of the close of the polls.

Ballots to be counted in open meeting.

It shall be the duty of the board of aldermen to certify as soon as may be the number of ballots cast in said city of Boston, and the number of ballots cast in favor of the acceptance of this act, and the number of ballots cast against said acceptance, to the secretary of the Commonwealth; and if it shall appear that two-thirds of the votes cast is in favor of the acceptance of this act, the said secretary shall immediately issue and publish his certificate declaring this act to have been duly accepted.

Return of vote to the secretary of the Commonwealth.

SECTION 18. So much of this act as authorizes and directs the submission of the question of acceptance of this act to the legal voters of said city of Boston, provided for in the seventeenth section of this act, shall take effect upon its passage.

Question of acceptance to take effect forthwith.

Approved May 27, 1870.

Chap. 284 AN ACT FOR THE PROTECTION OF THE FISHERIES IN THE VICINITY OF NANTUCKET.

Be it enacted, &c., as follows :

Fish not to be taken by net within one mile of shore without permission.

SECTION 1. It shall not be lawful for any person or persons to take any fish with any kind of net, or to set any net for the purpose of taking any fish therewith, within one mile from the shores of Nantucket, Tuckernuck, Smith's, Muskegat and Gravel Islands, without first obtaining permission of the selectmen of Nantucket.

Penalty for each offence.

SECTION 2. Every person violating any provision of this act, shall forfeit and pay for each offence a sum not less than fifty nor more than five hundred dollars.

Fish wardens to be chosen.

SECTION 3. The town of Nantucket is hereby authorized to choose, at the annual town meeting, or at any meeting duly warned for that purpose, such number of fish wardens as may at the time be deemed necessary, who shall be sworn to the faithful discharge of their duty, whose duty it shall be to prosecute for every offence against any provision of this act.

Vessels, &c., unlawfully employed may be attached, &c.

SECTION 4. All vessels, boats, craft, and apparatus of every kind employed in taking fish contrary to the provisions of this act, or having on board any such fish unlawfully taken, shall be liable for any fines, penalties, forfeitures and costs herein provided for, and may be attached on mesne process, and sold on execution as the property of the person or persons offending by the use thereof. And it shall be the duty of said fish wardens to seize such vessel, boat, craft or apparatus, and detain the same not exceeding forty-eight hours, in order that the same may be attached or arrested by due process of law: *provided, however*, that as soon as the master or owner of such vessel, boat, craft or apparatus shall pay the penalty required by the fish wardens, to the treasurer of the town of Nantucket, together with the accrued costs, such vessel, boat, craft or apparatus shall be discharged with the effects therein; and the ninth clause of section thirty-two of chapter one hundred and thirty-three of the General Statutes is hereby so modified that it shall not apply to boats, fishing-tackle, and nets taken under the provisions of this act.

Proviso.

SECTION 5. All fines, penalties and forfeitures recovered and received by virtue of this act, shall go, one-half to the treasurer of the town of Nantucket, for the use of said town, the other half to the fish warden or fish wardens commencing the action; and said fines, penalties and forfeitures may be recovered, together with legal costs of suit, by an action of tort in any court of record proper to try the same.

Fines, &c., to be divided between treasurer of Nantucket and fish wardens.

SECTION 6. Chapter six of the acts of the year eighteen hundred and fifty; chapter one hundred and fifty-six of the acts of the year eighteen hundred and fifty-five, and chapter ninety-five of the acts of the year eighteen hundred and fifty-eight are hereby repealed.

SECTION 7. This act shall take effect upon its passage.

Approved May 27, 1870.

AN ACT CONCERNING PROBATE BONDS.

Be it enacted, &c., as follows:

SECTION 1. Whoever is appointed administrator with the will annexed, shall, before entering on the execution of his trust, give bond to the judge of the probate court in like manner and with like condition as is required of an executor; but when such administrator with the will annexed is residuary legatee, the judge may permit him, instead of giving such bond, to give the bond prescribed in section three of chapter ninety-three of the General Statutes, with like effect as though he was nominated executor in the will.

Administrator with will annexed to give bond like an executor.

SECTION 2. Section eight of chapter ninety-three of the General Statutes is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved May 27, 1870.

AN ACT PROVIDING FOR THE ESTABLISHMENT OF TRUE MERIDIAN LINES, AND FOR REGULATING THE PRACTICE OF SURVEYING IN THIS STATE.

Be it enacted, &c., as follows:

SECTION 1. It shall be the duty of the county commissioners of each county of this Commonwealth, within one year from and after the passage of this act, to erect on land situated in the county, at such place or places in the several counties as the public convenience may require, and under the direction of a commissioner to be appointed by the governor and council, a true meridian line or lines, to be perpetuated by substantial stone posts or pillars, upon whose summits shall be firmly and immovably fixed brass or copper points to indicate the true range of such meridian; the said posts or pillars to be and to remain the property of the county wherein the same shall be located, under the custody and care of the county commissioners of said county, to be free to the access of any surveyor or civil engineer residing in said county, or engaged in surveying therein, for the purpose of testing the variation of the compass for the time being; and the expense attending the same shall be paid from the treasury of the several counties. The county commissioners in any county, may purchase on behalf of their

True meridian lines to be erected at convenient places in every county for use of surveyors, &c.

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county, the right to erect and maintain the posts or pillars, provided for by this act, with rights of way thereto, and may take grants to their county, of such rights.

Pillars and posts, how to be erected.

SECTION 2. Said pillars or posts shall be constructed and erected in the following manner. Each post shall be of granite or other equally durable stone, shall be at least eight feet in length, eighteen inches square at the base, and one foot square at the top; three posts of this description shall be erected in an exact line north and south, and distant from each other not less than two hundred feet; these stone pillars shall be set firmly in the ground, and protected from upheaval by the frost. The top of each post shall be tapered to a square or circle of eight inches diameter, on which shall be placed a brass or copper cap of circular form on which shall be plainly engraved a cross indicating the four cardinal points and marked by the letters N. S. E. W., or the words North, South, East, West, each letter or word on its relative arm or point; the said brass or copper cap to be firmly fastened to the pillar either by brass or copper bolts.

Land surveyors to adjust compass annually.

SECTION 3. It shall be the duty of every land surveyor in the state, at least once in every year, to adjust and verify his compass by the meridian line so established in the county wherein his surveys are to be made, and to insert in his field notes, the true as well as the magnetic bearings of the lines of his surveys, and the day on which the lines were run.

Record to be kept of the variation of compass of each surveyor.

SECTION 4. It shall be the duty of the commissioners of the several counties aforesaid, to procure a book of records to be kept by the clerk of the courts, or any person appointed by the county commissioners to keep said book of records, which shall be accessible to all persons wishing to refer thereto, and every surveyor, on having adjusted his compass as aforesaid, shall enter therein the variation of his compass from the true meridian, whether east or west, and shall subscribe his name and affidavit thereto.

Penalty on surveyor for neglect, &c.

SECTION 5. Any surveyor who shall neglect or refuse to comply with the provisions of this act, shall for every such neglect or refusal be subject to a fine of ten dollars, to be recovered on complaint made before any court of competent jurisdiction, one half to be paid to the person making the complaint and the other half to the county within which such complaint shall be made.

Governor to appoint commissioner to superintend erection of posts, verify meridian lines, &c.

SECTION 6. It shall be the duty of the governor and council to appoint some competent person as commissioner to superintend the erection of said posts or pillars, and to inspect and verify by astronomical observations, the meridian

lines so established, who shall make a report of his doings thereon, with a full and accurate description of the monuments, the latitude and longitude of the same; also the declination of the needle for the time being, upon each of the said meridian lines, and deposit a record thereof with the clerk of the courts in each of the counties aforesaid; and the said commissioner shall be paid for his services from the treasury of the Commonwealth, such compensation as by the governor and council may be deemed equitable and just.

Commissioner to report to governor and council.

SECTION 7. Any person or persons who shall wilfully displace, alter, deface, destroy or otherwise injure any of the posts or fixtures thereof, shall be punished upon complaint and conviction, before any court of competent jurisdiction, by fine not exceeding two hundred dollars, one half to be paid to the complainant, and the other half to the county wherein such offence may have been committed.

Penalty for injuring posts or fixtures.

Approved May 27, 1870.

AN ACT MAKING APPROPRIATIONS FROM THE FUNDS AND THE INCOME OF THE FUNDS HEREIN MENTIONED, AND FOR OTHER PURPOSES.

Chap. 287

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the funds and the income of the funds, or out of the treasury of the Commonwealth, as specified, to wit:

Appropriations authorized.

The income of the Rogers book fund shall be expended in accordance with the conditions named by the donor, in conformity with chapter two hundred and fifteen of the acts of the year eighteen hundred and fifty-seven.

Rogers book fund, income.

The income of the Todd normal school fund shall be paid to the treasurer of the board of education, to be applied in such manner as shall be prescribed by said board, in accordance with chapter thirty-six of the General Statutes.

Todd normal school fund, income.

The income of the Indian school fund shall be applied according to the provisions of chapter thirty-six of the General Statutes.

Indian school fund, income.

The income of the agricultural college fund shall be paid in accordance with the provisions of chapter one hundred and eighty-six and chapter two hundred and twenty of the acts of the year eighteen hundred and sixty-three.

Agricultural college fund, income.

SECTION 2. The sums mentioned in this section are appropriated, to be paid out of the Charles River and Warren Bridge fund, for the year eighteen hundred and seventy, to wit:

Charles river and Warren bridge fund. 1867, 66; 1869, 272.

ON ACCOUNT OF THE CHARLES RIVER BRIDGE.

- Charles river bridge, repairs. For repairs on said bridge and buildings belonging thereto, a sum not exceeding two thousand dollars.
- Horse-keeping. For horse-keeping, a sum not exceeding six hundred dollars.
- Lights and fuel. For gas, oil, fluid, and fuel, a sum not exceeding nine hundred dollars.
- Incidental expenses. For incidental and contingent expenses, a sum not exceeding six hundred dollars.
- Draw-tender. For the compensation of the draw-tender on said bridge, the sum of one thousand two hundred dollars.

ON ACCOUNT OF WARREN BRIDGE.

- Warren bridge, repairs. For repairs on said bridge and buildings belonging thereto, a sum not exceeding five thousand five hundred dollars.
- Horse-keeping. For horse-keeping, a sum not exceeding three hundred dollars.
- Lights and fuel. For gas, oil, fluid and fuel, a sum not exceeding eight hundred and fifty dollars.
- Incidental expenses. For incidental and contingent expenses, a sum not exceeding five hundred dollars.
- Draw-tender. For the compensation of the draw-tender on said bridge, the sum of one thousand two hundred dollars.

MISCELLANEOUS.

- Commissioners of public lands. Clerical assistance, &c. 1857, 70; 1860, 200; 1864, 313. SECTION 3. For the compensation of the commissioners on public lands, and for such clerical assistance as they may find necessary, a sum not exceeding three thousand dollars, and for contingent and incidental expenses of said commissioners, a sum not exceeding three hundred dollars; said sums to be paid from the moiety of the proceeds of sales applicable to improvements. And the residue of said moiety is hereby appropriated to be applied and used in accordance with the statutes.
- Harbor commissioners, compensation and expenses. 1866, 149. For compensation and expenses of the harbor commissioners, a sum not exceeding ten thousand dollars, payable upon vouchers properly approved and filed with the auditor for his certificate.
- Bureau of statistics on subject of labor. 1869, 102. For expenses of the bureau of statistics on the subject of labor, a sum not exceeding five hundred dollars.
- Board of health. 1869, 420. For expenses of the board of health, a sum not exceeding five thousand dollars.
- Commissioners on Cape Cod harbor, compensation. For the compensation of the commissioners on the Cape Cod harbor for the year eighteen hundred and sixty-nine, a sum not exceeding eight hundred eighty-two dollars, payable

from the proceeds of the coast defence scrip, transferred from the coast defence fund to the treasury, under the provisions of chapter three hundred and thirty-nine of the acts of eighteen hundred and sixty-eight.

In the resolve, chapter five, of the present year, providing for the completion of dwelling-houses at the state prison, a sum not exceeding five thousand dollars.

SECTION 4. This act shall take effect upon its passage.

Approved May 27, 1870.

AN ACT IN ADDITION TO AN ACT ESTABLISHING THE STATE WORKHOUSE AT BRIDGEWATER.

Chap. 288

Be it enacted, &c., as follows :

SECTION 1. Any inmates of either of the state almshouses who come within any of the descriptions of persons contained in section twenty-eight of chapter one hundred and sixty-five of the General Statutes, may, on conviction thereof before a trial justice or the superior court, be sentenced to the state workhouse for a term not less than three months, nor more than two years. The complaint shall in such cases be made and prosecuted by the general agent of the board of state charities or some person under his direction.

Inmates of state almshouse may be sentenced to state workhouse.

SECTION 2. In all complaints under this act, the offence charged shall be distinctly set forth, and when defendant is charged with being a lewd, wanton and lascivious person, in speech and behavior, it shall not be deemed evidence of the charge, to show that she is, at the time, pregnant with, or has been delivered of an illegitimate child.

Offence to be distinctly set forth in complaint.

SECTION 3. Any person sentenced as provided in the first section of this act, or in the first section of chapter two hundred and fifty-eight of the acts of eighteen hundred and sixty-nine, who escapes or attempts to escape from the state workhouse, or from the custody of the officer while being conveyed to said workhouse, may be pursued and reclaimed, and upon conviction thereof, shall be punished by confinement in the workhouse for not more than six months in addition to the previous sentence.

Punishment for escape.

SECTION 4. The fifth section of chapter one hundred and ninety-eight of the acts of eighteen hundred and sixty-six, is hereby repealed.

Repeal.

SECTION 5. This act shall take effect upon its passage.

Approved May 27, 1870.

Chap. 289 AN ACT TO AUTHORIZE THE TOWN OF SALISBURY TO SUBSCRIBE FOR THE STOCK OR SECURITIES OF THE EXETER AND SALISBURY RAILWAY COMPANY.

Be it enacted, &c., as follows:

Salisbury may take stock in Exeter and Salisbury Railway Company;

—if two-thirds of legal voters so decide.

Proviso.

Town may pay for shares out of the treasury, or raise money by loan or taxation.

Selectmen to represent town at meetings of corporation.

SECTION 1. The town of Salisbury may subscribe for and hold shares of the capital stock or the securities of the Exeter and Salisbury Railway Company, a corporation formed by the union of the Salisbury Railroad Company and the Exeter Railway Company, of New Hampshire, to an amount not exceeding five per centum of the valuation of said town, for the year in which the subscription shall be made: *provided*, that two-thirds of the legal voters of said town, present and voting by ballot, and using the check-list, at a legal meeting duly called for the purpose, shall vote to subscribe for such shares or securities; and *provided, also*, that the total amount of all subscriptions of said town, which have been or may be made to the stock or securities of any railroad corporation or corporations under authority of this or any previous act, shall not exceed five per centum of the assessed valuation of said town. Said town may pay for such shares or securities, so voted to be taken, out of its treasury, and may raise by loan upon bonds, or tax, or otherwise, any and all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property; and the selectmen of said town, or any agent specially chosen for the purpose, shall have authority to represent said town at any and all meetings of said corporation, and may vote on the whole amount of the stock so held, anything in chapter sixty-three of the General Statutes to the contrary notwithstanding.

SECTION 2. This act shall take effect upon its passage.

Approved May 27, 1870.

Chap. 290 AN ACT CONCERNING THE ORDER OF TRIALS IN CRIMINAL CASES.

Be it enacted, &c., as follows:

Court may order district-attorney to make trial list of criminal cases.

Cases to be disposed of, in order of list.

SECTION 1. At each term of the superior court held for the trial of criminal cases, the court may order the district-attorney, before the trial of any indictments, or appealed cases commences, or at any time during the trials of criminal cases, to make up, and deposit with the clerk, for the inspection of all parties, a list of all the cases which are to be tried at that term, or which are to be tried on such days as may be designated, during the term, and trial shall be had in the order of such trial list; and cases shall be disposed of under said list, according to the practice at terms of said court for the trial of civil cases.

SECTION 2. Cases may be added to said lists by direction of the court upon motion of the district-attorney or defendant for good cause shown.

Cases may be added to list.

Approved May 28, 1870.

AN ACT PROVIDING FOR THE ATTACHMENT OF CERTAIN KINDS OF PROPERTY AND FOR THE DISSOLUTION OF ATTACHMENTS.

Chap. 291

Be it enacted, &c., as follows :

SECTION 1. The shares or interest of a stockholder in any corporation organized under the laws of the United States, and located or having a general office in this state, may be attached on mesne process and taken on execution in the same manner as the shares or interest of a stockholder in corporations organized under the laws of this state, may be attached, and taken on execution.

Interest of stockholder in corporation organized under U. S. laws may be attached, &c.

SECTION 2. Any person or corporation whose goods or estate are attached on mesne process, in a civil action, who desires to release the property attached, or some part thereof from attachment, and does not desire to give the bond required by section one hundred and four of chapter one hundred and twenty-three of the General Statutes, may, at any time before final judgment, release the property attached, or such part thereof as he may elect, from such attachment, by giving bond to the plaintiff, with sufficient sureties, to be approved by the plaintiff, or his attorney in writing, or by a master in chancery, with condition to pay to the plaintiff the sum fixed as the value of the property so released, or so much of said sum as may be necessary to satisfy the amount, if any, that he may recover, within thirty days after final judgment in such action, and the property so released shall be described in such bond. If the parties to the action do not agree upon the value of the property, the defendant, or some one in his behalf, may make written application to a master in chancery in the county where the property is, stating the names of the parties to the action, the name of the officer who made the attachment, and a description of the property which he desires to release from attachment, and the names and places of residence of the persons proposed as sureties. The master shall forthwith cause written notice of the application to be served upon the plaintiff, if he resides in the county ; if not, upon the officer who made the attachment, appointing a time and place for hearing the parties. Said notice shall be served twenty-four hours, at least, before the time appointed therein for a hearing, and as much further time as the master, in his discretion, may order. At the time and place appointed, after hearing the parties, the master shall appoint three disinterested persons

Attachment may be released by bond to plaintiff to respond within thirty days after final judgment.

If parties fail to agree as to value of property attached, master in chancery to appoint commissioners who shall determine amount, &c., of bond.

to examine and appraise the property described in the application, who shall be sworn to appraise the same at its fair market value, and who shall make return of their doings in writing to the master, at a time and place fixed by him, to which the hearing shall be adjourned. At such adjourned hearing, the defendant may give bond to the plaintiff, with sufficient sureties, to be approved by the master, as herein provided. Said bond shall be filed by the defendant with the clerk of the court to which the writ is returnable, or in which it is pending, within ten days after its approval by the plaintiff, or his attorney, or the master, and upon the filing of such bond, the attachment upon the property therein described, shall be dissolved.

Attachment of real property may be dissolved by defendant by giving bond to plaintiff.

SECTION 3. When an attachment of real property is made under the provisions of sections fifty-five and fifty-six of chapter one hundred and twenty-three of the General Statutes, the person in whose name the record title of the property attached stands, or some one in his behalf, may, before final judgment in the action, dissolve the attachment by giving bond to the plaintiff, with sufficient sureties, conditioned to pay the sum ascertained to be the value of the land, or so much thereof as shall satisfy the amount, if any, which plaintiff shall recover, provided the plaintiff shall establish his title to the land in a writ of entry against the person having the record title thereto at the time of the attachment. All proceedings required in the preceding section to be taken to dissolve an attachment, shall apply to a dissolution of attachment under this section. In the trial of a writ of entry, brought by the plaintiff in the suit, to try his right to the land released from attachment, for the purpose of establishing his right to recover on said bond, the record of the attachment, and of final judgment, in the suit upon which the attachment was made, shall be conclusive evidence of a momentary seisin in the plaintiff, of the land, so far as to enable him to maintain an action therefor, upon his own seisin; but no such writ of entry shall be brought after the expiration of one year from the date of such final judgment. If the plaintiff shall recover judgment on such writ of entry, no execution for possession shall issue thereon, but execution may issue for costs of suit.

Record of attachment and judgment to be conclusive evidence of seisin in the plaintiff.

Masters in chancery may adjourn meetings from time to time.
Fees.

SECTION 4. Masters in chancery may adjourn the hearings authorized and required to be held by them, under this act, from time to time, as they may deem necessary.

They shall be allowed one dollar for each citation and two dollars for each hearing and each adjournment thereof. The fees of the appraisers shall be determined by the mas-

ters according to the circumstances of each case. The applicant shall pay all fees in the first instance; but in case of final judgment in his favor he shall be allowed to tax them as a part of his costs. The master's certificate of the amount shall be required by the clerks of courts to be filed in the case before allowing said fees as a part of the taxable costs.

SECTION 5. The bond provided for in section one hundred and four of chapter one hundred and twenty-three of the General Statutes, shall be filed by the defendant, with the clerk of the court, to which the writ is returnable, or in which it is pending, within ten days after its approval by the plaintiff, or his attorney, or the master, and the attachment shall not be dissolved until the bond is so filed. Such bond, and the bonds provided for by this act, may be taken from the files, at any time, by the plaintiff, upon leaving with the clerk, a copy thereof, attested by the clerk, and the plaintiff may tax the cost of such copy, as part of his costs, in a suit on such bond.

Bond given under G. S. 123, § 104, to be filed in clerk's office where writ is returnable.

SECTION 6. Chapter one hundred and thirty-seven of the acts of the year eighteen hundred and sixty-seven, is hereby repealed, but such repeal shall not affect any rights acquired, or liability incurred, under the provisions of said chapter.

SECTION 7. This act shall take effect upon its passage.

Approved May 28, 1870.

Repeal.

AN ACT CONCERNING INTEREST ON BONDS OF CORPORATIONS.

Be it enacted, &c., as follows:

Bonds issued by railroad or other corporations under authority of law may bear interest not exceeding the rate of seven per centum a year.

Approved May 28, 1870.

Chap. 292

Rate of interest not to exceed seven per cent.

AN ACT TO INCORPORATE THE TOWN OF MASHPEE.

Be it enacted, &c., as follows:

SECTION 1. The district of Marshpee is hereby abolished, and the territory comprised therein is hereby incorporated into a town by the name of Mashpee; and said town of Mashpee is hereby invested with all the powers, privileges, rights and immunities, and subject to all the duties and requisitions to which other towns are entitled and subject by the constitution and laws of this Commonwealth.

Chap. 293

District abolished and town of Mashpee incorporated.

SECTION 2. All common lands, common funds, and all fishing and other rights held by the district of Marshpee, are hereby transferred to the town of Mashpee, and shall be owned and enjoyed as like property and rights of other towns are owned and enjoyed. Any lease held by any party of rights of fishing in Marshpee, made under authority of any law of this Commonwealth, shall continue in force

Common lands, fishing rights, &c., transferred to town.

according to the terms thereof, and the rent shall be payable to the treasurer of the town of Mashpee. The town of Mashpee shall succeed to all contracts, rights of action and liabilities of the district of Marshpee, and may sue and be sued in relation to the same.

Warrant to
notify meeting
for choice of
town officers.

SECTION 3. Any justice of the peace of the county of Barnstable, may issue his warrant, directed to any principal inhabitant of the town of Mashpee, requiring him to notify and warn the inhabitants thereof qualified to vote in district affairs, to meet at the time and place therein appointed for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings, and said warrant shall be served by publishing a copy of the same in some newspaper printed in the county of Barnstable, and by posting up copies thereof, attested by the person to whom the same is directed, in three public places in said town, seven days at least before such time of meeting. Such justice, or in his absence, such principal inhabitant, shall preside until the choice of a moderator in said meeting.

At such meeting all inhabitants of said town heretofore qualified to vote in district affairs may vote, and the proceedings at such meeting shall be in accordance with the provisions of the act establishing the district of Marshpee.

Representative,
senatorial, &c.,
districts.

SECTION 4. The said town shall be and form a part of the same representative, senatorial, councillor and congressional districts as the town of Barnstable until legally changed.

County commis-
sioners may ex-
pend \$300
annually for
repairs of roads,
and be reim-
bursed by state.

SECTION 5. The county commissioners of the county of Barnstable may, upon application of the selectmen of the town of Mashpee, expend a sum not exceeding three hundred dollars in any one year, from the funds of the county, for the construction and repair of roads within said town, and the sum actually expended shall be reimbursed from the treasury of the Commonwealth.

Court may order
common lands
to be divided,
and appoint
commissioners
to make parti-
tion.

SECTION 6. Any justice of the superior court upon the application of the selectmen of the town of Mashpee, after such notice as the justice may direct to all parties interested and a hearing of the same, if he shall adjudge that it is for the interest of said parties that any or all of the common lands of said town, or of the people heretofore known as the Marshpee tribe of Indians, be divided, shall appoint three discreet, disinterested persons commissioners to make partition of the same, and their award, being approved by the court, shall be confirmed by decree thereof; but if he shall adjudge that it is for the interest of said parties that the same, or a part of the same, be sold, he shall direct the said

commissioners, after they shall have given such bonds as the court may require, to proceed to sell at public auction any or all of said lands, and to pay the proceeds of the same to the treasurer of said town; and the said justice shall direct the said commissioners to examine and define the boundaries of the lands rightfully held by individual owners, and to properly describe and set forth the same in writing, and the title and boundaries so set forth and described being approved by the court, shall be confirmed by decree thereof; and the same, together with all deeds of partition, division or sale made by such commissioners, shall be recorded in the registry of deeds in the county, and the expenses of said commissioners, including the cost of recording said deeds, the same being approved by the court, shall be paid out of the treasury of the Commonwealth; the justice may receive the application aforesaid and order notice thereon in vacation as well as in term time, but such other proceedings before the justice as are herein provided for shall be had at a term of the superior court for the county of Barnstable.

SECTION 7. All sums of money payable to the selectmen or treasurer of the district of Marshpee under chapter thirty-six of the General Statutes, for the support of schools, shall hereafter be paid to the treasurer of the town of Mashpee, to be expended in accordance with section four of said chapter.

This section shall continue in force for five years.

Approved May 28, 1870.

Money for support of schools.

AN ACT CONCERNING JUVENILE OFFENDERS IN THE CITY OF
LAWRENCE.

Chap. 294

Be it enacted, &c., as follows:

SECTION 1. The city council of the city of Lawrence, is hereby authorized to erect a building in said city for the reception, instruction, employment and reformation of such juvenile offenders as are hereinafter named; or to use for these purposes the almshouse in said city, or any other house or building belonging to said city that the city council may appropriate to these uses.

House of reformation for juvenile offenders.

SECTION 2. The overseers of the poor of said city, or such other persons as said city council shall appoint directors of said house for the employment and reformation of juvenile offenders, shall have power at their discretion to receive and take into said house all such children resident at or belonging to said city who shall be convicted of any criminal offence; and who may in the judgment of any justice of the supreme judicial court or of the superior court or of the police court of said Lawrence be proper objects therefor;

Directors may receive children convicted of criminal offences.

and upon such conviction of any child, in the judgment of the justice a proper object for said house of employment and reformation, the justice before declaring the sentence of the law shall cause notice to be given to said overseers or directors, and in case said overseers or directors shall assent thereto, the said justice may sentence the child convicted as aforesaid to be committed to said house of employment and reformation for and during minority or for any less term.

Idle children
and truants
residents of
Lawrence may
be committed.

SECTION 3. Any justice of either of said courts respectively, on the application of the mayor or any alderman of the city of Lawrence or of any overseer of the poor of said city, or of any of said directors, shall have power to sentence and commit to said house of employment and reformation all children resident in, or belonging to said city, who live an idle or dissolute life, or are habitual truants.

Children to be
instructed in
branches of use-
ful knowledge.

SECTION 4. Said overseers or said directors may receive the persons sentenced and committed as aforesaid into said institution; and they shall have power to place the persons so committed at such employments and cause them to be instructed in such branches of useful knowledge as shall be suited to their age and capacity.

Court may dis-
charge children
from custody
upon recom-
mendation of
overseers, &c.

SECTION 5. Whenever said overseers or directors shall deem it advisable to discharge any such child committed as aforesaid, before the expiration of the sentence, and shall so recommend in writing to the court by which said child was committed, said court shall have power to discharge him or her from the imprisonment or custody aforesaid.

Children com-
mitted to house
of correction
may be trans-
ferred to this
institution.

SECTION 6. Either of the said justices shall have power to order the transfer of any child committed to the jail, or house of correction, and inmates thereof, at the time of the passage of this act, and belonging to, or having a residence in, said city, to the institution authorized by this act to be kept, governed and disposed of in conformity with the provisions herein made, for the rest of the term of their original sentence and commitment.

SECTION 7. This act shall take effect upon its passage.

Approved May 28, 1870.

Chap. 295

AN ACT RELATING TO THE SALE OF REAL ESTATE BY THE TRUSTEES OF THE GRAMMAR SCHOOL IN THE EASTERLY PART OF ROXBURY.

Be it enacted, &c., as follows:

Trustees may
sell real estate.

SECTION 1. The trustees of the grammar school in the easterly part of Roxbury are hereby authorized to sell any real estate held by them in trust, and convey the same by deed duly executed: *provided*, the proceeds of such sales shall be held upon the same trusts as such real estate was

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held; and all sales and conveyances heretofore made by said trustees are hereby ratified and made legal and binding in law.

SECTION 2. This act shall take effect upon its passage.

Approved May 28, 1870.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE ATHOL AND ENFIELD RAILROAD COMPANY.

Chap. 296

Be it enacted, &c., as follows:

SECTION 1. Section two of chapter one hundred and seventy-four of the acts of the year eighteen hundred and sixty-nine, is hereby amended by inserting before the word "New Salem" the word "Orange."

Amendment to
1869, 174, § 2.

SECTION 2. This act shall take effect upon its passage.

Approved May 28, 1870.

AN ACT TO AUTHORIZE ALBERT R. WHITTIER TO CONSTRUCT A WHARF ON SOUTH BAY.

Chap. 297

Be it enacted, &c., as follows:

SECTION 1. License is hereby granted to Albert R. Whittier to construct a wharf on the south-easterly side of Albany Street upon flats there owned by him, and from such flats and his adjoining wharf to the commissioners line on South Bay, subject to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and to the provisions of sections one, two and three of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine, with the right to lay vessels at the end of said wharf and to receive wharfage and dockage therefor, and such right to lay vessels at the sides of said wharf and to receive wharfage and dockage therefor as the harbor commissioners shall prescribe.

May construct
wharf in
Boston.

Wharfage and
dockage.

SECTION 2. This act shall take effect upon its passage.

Approved May 28, 1870.

AN ACT CONCERNING THE MILITIA.

Chap. 298

Be it enacted, &c., as follows:

SECTION 1. The governor may commission a lieutenant-colonel, duly elected, in addition to the officers allowed to a separate battalion.

Lieutenant-
colonel allowed
to a battalion.

SECTION 2. The commander of a regiment, battalion or unattached company may discharge any non-commissioned officer or private of his command, with the approval of the commander-in-chief.

Commander of
regiment may
discharge en-
listed man with
approval of
commander-in-
chief.

SECTION 3. The commander of any regiment or battalion whose companies are located within a radius of three miles, is authorized to assemble said companies or the officers thereof, for evening drill, instruction or other business, at

Commander of
regiment may
assemble com-
panies, &c., for
drill, if located
within radius of
three miles.

such times as he may judge best for the promotion of discipline in his command.

Salary of superintendent of the arsenal.

SECTION 4. The superintendent of the arsenal shall receive an annual salary of one thousand dollars, which, together with the occupancy of the dwelling-house on the arsenal grounds at Cambridge, shall be in full compensation for his services.

Repeal.

SECTION 5. The fifth section of the two hundred and fifth chapter of the acts of the year one thousand eight hundred and sixty-nine, together with all acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 6. This act shall take effect upon its passage.

Approved May 31, 1870.

Chap. 299

AN ACT TO AUTHORIZE THE HOPKINTON AND MILFORD, AND THE HOPKINTON BRANCH RAILROAD COMPANIES TO CONSOLIDATE.

Be it enacted, §c., as follows :

Hopkinton and Milford, and Hopkinton Branch Railroads may consolidate and make joint stock not exceeding \$400,000.

SECTION 1. The Hopkinton and Milford Railroad Company and the Hopkinton Branch Railroad Company are hereby authorized to consolidate and make joint stock to an amount not exceeding four hundred thousand dollars; and the corporation thus formed may take the name of the Hopkinton Railroad Company, and shall have and succeed to all the powers and privileges and be subject to all the duties, restrictions and liabilities which now attach and apply to said companies severally.

May construct, maintain and operate railroads.

SECTION 2. Said corporation may locate, construct, maintain and operate the railroads authorized to be constructed by chapter two hundred and twenty-five of the acts of the year eighteen hundred and sixty-seven, chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-nine, and chapter three hundred and twenty-one of the acts of the year eighteen hundred and sixty-nine, or either of them, and all the provisions of said acts relating to said railroads, or either of them, shall apply to said railroads, or either of them, when the same shall have been located.

Hopkinton, Milford and Ashland may take stock not exceeding five per cent. of towns' valuation.

SECTION 3. The towns of Hopkinton, Milford and Ashland may severally subscribe for and hold shares of the capital stock or the securities of said corporation to an amount not exceeding five per centum of the valuation of said towns respectively, for the year in which the subscription shall be made: *provided*, that two-thirds of the legal voters of said towns respectively, present and voting by ballot, and using the check-list, at a legal meeting duly called for the purpose, shall vote to subscribe for such shares or securities; and *provided, also*, that the total amount of all subscriptions of said towns respectively, which have been or may be made to the

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stock or securities of any railroad corporation or corporations under authority of this or any previous act, shall not exceed five per centum of the assessed valuation of said towns respectively. Said towns may pay for such shares or securities so voted to be paid out of their respective treasuries, and may raise by loan upon bonds or tax, or otherwise, any and all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property; and the selectmen of said towns respectively, or any agent specially chosen for that purpose, shall have authority to represent said towns respectively, at any and all meetings of said corporation, and may vote on the whole amount of the stock so held, anything in chapter sixty-three of the General Statutes notwithstanding.

Selectmen may represent towns at meetings of corporation.

SECTION 4. This act shall take effect upon its passage.

Approved June 1, 1870.

AN ACT IN RELATION TO PRISON POINT BRIDGE.

Be it enacted, &c., as follows:

SECTION 1. The cities of Cambridge and Charlestown shall forthwith cause to be made in lieu of the existing draw in the Prison Point Bridge, over Miller's River, a draw with a clear opening of thirty-eight feet in width.

Draw to be made thirty-eight feet in width.

SECTION 2. For the purpose of constructing said draw, the city councils of said cities shall each in pursuance of such ordinances as they may respectively establish, elect one commissioner, and said commissioner so chosen shall have the care and management of said draw.

Commissioner to have charge of draw.

SECTION 3. The expense of constructing and maintaining said draw and keeping the same in repair, and of affording all necessary and proper accommodations to vessels having occasion to pass the same by day or night, shall be borne equally by said cities; and said cities shall be jointly liable for all damages or injuries resulting from any defect in said draw or from carelessness or neglect in the management of the same.

Expense of maintaining, &c., to be borne by both cities.

SECTION 4. This act shall take effect upon its passage.

Approved June 1, 1870.

AN ACT CONCERNING THE DRAWS IN RAILROAD BRIDGES ACROSS CHARLES AND MILLER'S RIVERS, AND IN RELATION TO TERMINAL FACILITIES AT THE NORTH SIDE OF THE CITY OF BOSTON.

Be it enacted, &c., as follows:

SECTION 1. The draws required to be made in the railroad bridges across Charles and Miller's rivers, under the provisions of chapters two hundred and ninety-one, three hundred and forty-three and three hundred and fifty-two, of

Draws to be made thirty-eight feet in width.

Chap. 300

Chap. 301

the acts of the year eighteen hundred and sixty-nine, shall be forthwith constructed with a clear opening of thirty-eight feet, instead of forty-four feet, as provided in said acts.

Harbor and railroad commissioners to report plan for terminal facilities for railroads in Boston.

SECTION 2. The board of harbor commissioners and the board of railroad commissioners are hereby instructed to confer with the authorities of the city of Boston, and the officers of the several railroad corporations owning or operating railroads which enter said city at its north side, and to report to the next legislature upon the feasibility of maturing some definite and comprehensive plan for the future accommodation of said railroad corporations, both as regards the wants of navigation and terminal facilities in Boston; and also to report a draft of such plan, if any shall appear to them to be feasible.

SECTION 3. This act shall take effect upon its passage.

Approved June 1, 1870.

Chap. 302

AN ACT RELATING TO WEST BOSTON AND CRAGIE BRIDGES.

Be it enacted, &c., as follows :

Harbor commissioners to determine position of draws in West Boston and Cragie Bridges.

Three commissioners to be appointed by S. J. C. upon petition of mayor of Cambridge;

SECTION 1. The harbor commissioners shall forthwith locate and determine the position of the draws in the West Boston Bridge and Cragie or Canal Bridge, over Charles River, to be constructed as hereinafter provided.

SECTION 2. The supreme judicial court, sitting as a full court in any county at any time after the passage of this act, shall, upon the petition of the mayor of the city of Cambridge, after such notice as the court or any justice thereof may order, appoint three discreet and competent commissioners for the purposes hereinafter named.

—to be sworn, and apportion and assess upon Boston and Cambridge expense of maintaining, &c.;

SECTION 3. Said commissioners shall be sworn to the faithful and impartial discharge of their duties, and shall then, after due notice and hearing in such manner and amount as they shall deem just and equitable, apportion and assess upon the cities of Boston and Cambridge the expense of maintaining and keeping in repair said bridges, including the expense of opening the draws thereof and affording all necessary and proper accommodations to vessels having occasion to pass the same by day or night, and shall also at the same time appraise the fund, as it now exists, paid to the city of Cambridge under chapter two hundred and fifty-seven of the acts of the year eighteen hundred and fifty-seven, and also all funds, moneys and properties belonging to said bridges, and apportion to the city of Boston the same proportion thereof as Boston shall, under and by virtue of this act, have apportioned or assessed upon it of the expense of maintaining and keeping in repair said bridges.

SECTION 4. Said commissioners shall return their award into the supreme judicial court, sitting for the county of Suffolk; and when said award shall have been accepted by said court, the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding upon all parties; and said court may enforce the same by proper process; and the expense of executing this act shall be paid by said cities in the same proportions as the expense of maintaining said bridges is apportioned and assessed upon said cities.

—to return
award to S.
J. C.

SECTION 5. Upon the acceptance of said award by the court as aforesaid, the city of Cambridge shall pay and deliver to the city of Boston the proportion of said fund, funds, moneys and properties apportioned to Boston under said award, and the said bridges shall become and be highways; and thereafter said bridges and draws shall be maintained, supported, managed and kept in repair by the cities of Boston and Cambridge, according to the terms and proportions established by said award; and all damages recovered in any action at law by reason of any defect or want of repair in either of said bridges or the draws thereof, shall be paid by said cities on the same terms and in the same proportions.

Upon acceptance of award
Cambridge to
pay to Boston
sum apportioned.

SECTION 6. The care and management of said bridges and draws shall be vested in a board of commissioners consisting of one person from each city, chosen in accordance with such ordinances as said cities shall respectively establish, and until such commissioners are chosen, the mayors of said cities shall *ex officio* constitute such commissioners.

Commissioners,
one from each
city, to have
care of draws
and bridges;

SECTION 7. The commissioners designated in the preceding section shall cause to be made in lieu of the existing draws in said bridges a draw in each bridge with a clear opening of thirty-eight feet in width in the position determined under section one of this act.

—to cause
draws to be
made thirty-
eight feet in
width.

SECTION 8. Nothing in this act shall release the Cambridge Railway Company or the Union Railway Company, from any legal obligation either of said companies is now under to the cities of Cambridge and Boston, or either of them, or any legal obligation now existing to maintain and keep in repair any portion of said bridges, or from any liability for any loss or injury that any person may sustain by reason of any carelessness, neglect, fault or misconduct of its agents or servants, in the construction, repair, management or use of its tracks on said bridges, or other use or occupation thereof.

Railway companies not released from obligation to keep bridge in repair.

Repeal.

SECTION 9. Chapter three hundred and eleven of the acts of the year eighteen hundred and sixty-nine, and all other provisions of law inconsistent herewith are hereby repealed.

Act to take effect when accepted by city council of Cambridge;

SECTION 10. This act shall not take full effect unless accepted by the city council of Cambridge, by concurrent vote of the two branches thereof, within thirty days from its passage. It shall be the duty of the city clerk of the city of Cambridge to certify to the secretary of the Commonwealth the result of the vote of the city council of said city as soon as may be, and if it shall appear that a majority of the votes of both branches of the city council is in favor of the acceptance of this act, said secretary shall immediately issue and publish his certificate declaring this act to have been duly accepted.

—and upon publication of certificate by secretary of Commonwealth.

SECTION 11. So much of this act as authorizes and directs the submission of the question of acceptance to the city council of Cambridge shall take effect upon its passage. If this act is accepted as herein provided, it shall take full effect upon the publication of the certificate of the secretary, as herein provided.

Approved June 1, 1870.

Chap. 303

AN ACT IN RELATION TO THE CHARLES RIVER AND WARREN BRIDGES.

Be it enacted, &c., as follows :

Bridges to be put in good repair for public travel.

SECTION 1. The commissioners appointed under chapter three hundred and twenty-two of the acts of the year eighteen hundred and sixty-eight, shall forthwith cause the Charles River and Warren Bridges to be put in good repair for public travel.

Unexpended balance of Warren Bridge fund to be applied for repairs, &c.

SECTION 2. Said commissioners are hereby authorized and directed to apply to the repairs of said bridges so much as may be necessary of the unexpended balance of the Charles River and Warren Bridges fund, and the same is hereby appropriated for that purpose: *provided*, that until the completion of said repairs, said commissioners shall have the sole charge and management of said bridges and draws.

Proviso.

Commissioners to assess upon Boston and Charlestown expense of maintaining bridges and draws;

SECTION 3. Said commissioners, after due notice and hearing, shall, in such manner and amount as they shall deem just and equitable, apportion and assess upon the cities of Boston and Charlestown, the expense of maintaining and keeping in repair said bridges and draws, including the expense of opening and closing the draws thereof, and affording all necessary and proper accommodations to vessels having occasion to pass the same by day or night; and shall also at the same time and in like manner, assign and divide to and between said cities, any surplus of said fund remaining after said repairs shall have been completed as in this

act provided, and all other funds and property now belonging to said bridges; and if said fund shall prove insufficient to pay the expense of said repairs and the care and management of said bridges and draws, they shall in like manner assess and apportion such deficiency upon said cities.

SECTION 4. Said commissioners shall complete said repairs on or before the first day of October, in the year eighteen hundred and seventy, and shall return their award into the supreme judicial court sitting for the county of Suffolk, at the October term of said court in said year; and when said award shall have been accepted by said court, the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding upon all parties; and said court may enforce the same by proper process.

—to complete repairs before Oct. 1, 1870, and return award to S. J. C.

SECTION 5. Upon the acceptance of said award by the court as aforesaid, the said bridges shall become highways, and thereafter said bridges and draws shall be managed, maintained and kept in repair by the cities of Boston and Charlestown, according to the terms and proportions established by said award, and all damages recovered in any action at law, by reason of any defect or want of repair in either of said bridges or draws, or neglect or carelessness in the management thereof, shall be paid by said cities on the same terms and in the same proportions. The care and management of said bridges and draws shall be vested in the board of commissioners consisting of one person from each city, chosen in accordance with such ordinances as said cities shall severally establish, and until such commissioners shall be chosen, the mayors of said cities shall *ex officio* constitute said board of commissioners, and said board of commissioners shall forthwith cause to be made, in lieu of the existing draw in Warren Bridge, a draw with a clear opening of thirty-eight feet, in such position as the harbor commissioners may determine.

When award is accepted, bridges to become public highways and be kept in repair by Boston and Charlestown.

SECTION 6. Nothing in this act shall release the city of Boston from its obligations to keep in repair all that part of Warren Bridge connected with its water works, or from its liability for any damages arising from any defect in or accident to said works, or shall release the Middlesex Railroad Company from any legal obligation now existing, to maintain and keep in repair any portion of said bridges, or from any liability for loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of its agents or servants, in the management, construction or use of its tracks on said bridges.

City of Boston and Middlesex Railroad not released from obligations to make repairs.

Repeal.

SECTION 7. Sections one, two, three, four, five, six, seven, of chapter two hundred and seventy-two of the acts of the year eighteen hundred and sixty-nine, and all other acts and parts of acts inconsistent herewith are hereby repealed.

Approved June 1, 1870.

Chap. 304 AN ACT TO AID IN THE PRESERVATION OF BIRDS, BIRDS' EGGS, AND DEER.

Be it enacted, &c., as follows :

Penalty for unlawfully killing woodcock and partridge;

SECTION 1. Whoever, within this Commonwealth, takes or kills any woodcock, between the first day of January and the fifteenth day of August in any year, or any ruffed grouse, commonly called partridge, between the first day of January and the first day of October in any year, or any quail between the fifteenth day of December and the fifteenth day of the next October, or within the respective times aforesaid, sells, buys, has in possession or offers for sale, any of said birds so taken or killed, shall forfeit for every such bird twenty-five dollars.

—pinnated grouse or heath hens;

SECTION 2. Whoever, at any season of the year, in this Commonwealth, within six years from the passage of this act, takes or kills any of the birds called pinnated grouse, or heath hens, or sells, buys or has in possession any of said birds so killed or taken, unless upon grounds owned by him, and grouse placed thereon by said owner, shall forfeit for every such bird twenty-five dollars.

—wood duck, black duck, and teal;

SECTION 3. Whoever, within this Commonwealth, takes or kills any wood or summer duck, black duck or teal, between the first day of March and the first day of September in any year, or within the respective times aforesaid, sells, buys, has in possession or offers for sale, any of said birds so taken or killed, shall forfeit for every such bird twenty-five dollars.

—marsh and beach birds;

SECTION 4. Whoever, within this Commonwealth, kills any rail, snipe, plover, sandpiper, or any of the so-called marsh, beach or shore birds, between the first day of April and the fifteenth day of July in any year, or within the respective times aforesaid, sells, buys, has in possession or offers for sale any of said birds so killed, shall forfeit for every such offence ten dollars: *provided*, that nothing in this section shall be held to apply to Wilson's snipe, or red-breasted, black-breasted or chicken plover.

—any undomesticated birds except birds of prey, &c.

SECTION 5. Whoever, within this Commonwealth, takes or kills, at any season of the year, any undomesticated birds not named in the preceding sections of this act, except birds of prey, crow blackbirds, crows, herons, bitterns, Canada geese, and such fresh-water or sea-fowl as are not named

in section three of this act, or wilfully destroys or disturbs the nests or eggs of any undomesticated birds, except the nests and eggs of birds of prey, crow blackbirds or crows, shall forfeit for every such offence ten dollars: *provided*,
Proviso. that any person may, during the months of September, October and November, take or kill wild pigeons, or having first obtained the written consent of the mayor and aldermen of any city, or the selectmen of any town, may take the nest and eggs, or at any season of the year kill any undomesticated birds for the purpose of preserving them as specimens in cabinets of natural history, or for any scientific purpose whatever.

SECTION 6. Whoever, at any season of the year, takes, kills or destroys any game birds by means of traps, snares, nets or springs; or shoots at or kills any water fowl, by the use of any battery, swivel, or pivot gun, shall forfeit for every such offence twenty-five dollars: *provided*, that
—for snaring birds, or killing with battery or swivel.
Proviso. between the first day of October and the first day of January in any year, any person may on his own premises, or for his own personal use and not for sale, take or kill by means of traps or snares any of the birds known as ruffed grouse or partridge.

SECTION 7. Whoever, between the first day of April, eighteen hundred and seventy, and the first day of January, eighteen hundred and seventy-two, and thereafter between the first day of December in any year, and the first day of October following, takes or kills any deer except his own tame deer kept on his own grounds, shall forfeit for every such offence one hundred dollars.
Deer not to be killed between April 1, 1870, and Jan. 1, 1872.

SECTION 8. All prosecutions under the provisions of this act shall be commenced within sixty days from the time the alleged offence is committed; and the possession by any person of any deer, or of birds mentioned as protected in this act, taken or killed out of place or season as aforesaid, shall be *prima facie* evidence to convict under this act.
Prosecutions to be commenced within sixty days from time offence is committed.

SECTION 9. The state constabulary, the mayor and aldermen, and selectmen of the several cities and towns of this Commonwealth shall cause the provisions of the preceding sections to be enforced in their respective places; and all forfeitures accruing under these sections shall be paid, one-half to the informant or prosecutor, and one-half to the city or town where the offence is committed.
State constabulary and municipal authorities to enforce law.

SECTION 10. Chapter two hundred and forty-six of the acts of the year eighteen hundred and sixty-nine is hereby repealed.
Repeal.

Approved June 2, 1870.

Chap. 305 AN ACT CONCERNING THE ERECTION OF BUILDINGS WITHIN THE FIRE LIMITS OF CITIES.

Be it enacted, &c., as follows :

S. J. C. may prevent erection of buildings contrary to municipal regulations.

SECTION 1. The supreme judicial court, or any justice thereof, either in term time or vacation, may issue an injunction or other suitable process in equity, to restrain any person or corporation from erecting, maintaining, occupying or using any building or structure within the fire limits of any city, contrary to the lawful rules, regulations, orders or ordinances established and in force in such city, relative to the erection or construction of buildings within such fire limits, and for the purpose of enforcing all such rules, regulations, orders and ordinances ; and may order and enforce the abatement or removal of all such illegal buildings and structures : *provided*, that this act shall not apply to any building or structure actually completed and occupied more than three months prior to the passage hereof.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved June 2, 1870.

Chap. 306 AN ACT RELATING TO THE ERECTION AND USE OF BUILDINGS FOR HOSPITALS.

Be it enacted, &c., as follows :

Hospital not to be erected or occupied without consent of town or city authorities.

Whoever erects, occupies, or uses any building in any place, for a hospital, in such part thereof as the mayor and aldermen, or selectmen prohibit, shall forfeit a sum not exceeding fifty dollars for every month he so occupies or uses such building, and in like proportion for a longer or shorter time ; and the supreme judicial court, or any one of the justices thereof, either in term time or vacation, may issue an injunction to prevent such erection, occupancy or use.

Approved June 2, 1870.

Chap. 307 AN ACT CONCERNING THE RETURNS OF RAILROAD CORPORATIONS, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Returns and reports of railroad roads to be made hereafter to railroad commissioners.

SECTION 1. The annual returns and reports of railroad corporations which are now required to be made to the secretary of the Commonwealth, on or before the first Wednesday of January, shall hereafter be made to the board of railroad commissioners, and on or before the first Wednesday of November in each year, and shall embrace the doings of said corporations under their respective charters to and including the thirtieth day of September preceding. The returns for the current year shall include the period from the first day of December, in the year eighteen hundred sixty-nine, to the thirtieth day of September, in the year

eighteen hundred and seventy : and said corporations shall be subject to the same duties, liabilities and penalties as are now prescribed and provided by law in relation to making and furnishing such reports and returns, except as otherwise provided by this act.

SECTION 2. The board of railroad commissioners shall prepare such tables and abstracts of said returns as they shall deem expedient, and shall transmit said returns and abstracts, together with their annual report, to the secretary of the Commonwealth, on or before the first Wednesday of January in each year, for publication and distribution as one of the public series of documents. Two thousand copies of said document shall be printed for the public series, and five thousand copies of the report of the railroad commissioners shall be printed separately for distribution by said board of railroad commissioners.

Railroad commissioners to transmit returns, &c., to secretary of Commonwealth;

SECTION 3. The board of railroad commissioners may order such changes and additions in the form of said returns and reports as they shall deem expedient, and they shall give to the several railroad corporations one year's notice of any such changes as require any alteration in the method or form of keeping their accounts; and said commissioners shall, on or before the fifteenth day of September of each year, transmit to each of the railroad corporations established by law within this Commonwealth, blank forms of the returns and reports herein required.

—may order changes in form of returns and reports;

—to transmit blank forms to railroad corporations;

SECTION 4. Whenever the return of any railroad corporation is incomplete, defective, or probably erroneous, the board of railroad commissioners shall notify such corporation thereof, and require such corporation to amend said return within fifteen days, under the same penalty as for refusing or neglecting to make returns.

—to notify railroad when returns are defective or erroneous;

SECTION 5. Whenever it shall appear to the board of railroad commissioners that any railroad corporation has violated any law relative to such corporations, and continues such violation after notice from said commissioners, as provided in chapter four hundred and eight of the acts of the year eighteen hundred and sixty-nine, or refuses or neglects to make returns as required by law, or to amend the same when lawfully required so to do, they shall forthwith present the facts to the attorney-general, who shall take such proceedings thereon as he may deem expedient.

—to notify attorney-general when railroad violates any law or neglects to make returns.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved June 2, 1870.

Chap. 308 AN ACT TO LEGALIZE A CERTAIN MARRIAGE IN THIS COMMON-WEALTH, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Marriage confirmed.

SECTION 1. The marriage solemnized between Erastus C. Alden and Isabel M. Clapp, at Boston, January twentieth, in the year eighteen hundred and sixty-nine, is hereby confirmed, and the parties declared to be man and wife to all legal intents and purposes.

Parties divorced.

SECTION 2. The bonds of matrimony heretofore existing between Isabel M. Clapp and Stephen R. Clapp, junior, are hereby dissolved.

SECTION 3. This act shall take effect upon its passage.

Approved June 2, 1870.

Chap. 309

AN ACT CONCERNING REPLEVIN BONDS.

Be it enacted, &c., as follows :

If sureties are approved by defendant, &c., officer not responsible for sufficiency.

SECTION 1. Sureties to a replevin bond may be approved by the defendant, in writing, or by a master in chancery, and when so approved, the officer who serves the writ of replevin, shall not be responsible for the sufficiency of such sureties.

When sureties are to be approved by master in chancery, officer to notify defendant.

SECTION 2. When such sureties are to be approved by a master in chancery, the officer who serves the writ shall give notice in writing, to the defendant, or the person from whose custody the property is taken, stating the time and place of hearing thereon, with the names and places of residence of the persons proposed as sureties, allowing not less than one hour before the time appointed for the hearing, and time for travel, at the rate of not less than one day, for every twenty-four miles' travel.

Fee of master.

SECTION 3. The fee of the master shall be one dollar for the hearing and decision, and if the bond is approved, such fee shall be taxed in the plaintiff's costs, if he prevail in the suit.

Approved June 3, 1870.

Chap. 310

AN ACT CONCERNING THE ATTACHMENT OF PERSONAL PROPERTY.

Be it enacted, &c., as follows :

Personal property attached by a constable may be further attached and taken possession of by deputy sheriff on writ which a constable cannot serve.

SECTION 1. Personal property attached by any constable, and in his custody by virtue of any writ of attachment or execution, may be further attached by any deputy sheriff or other competent officer upon any writ of attachment or execution which such constable may not be authorized by law to serve; and thereupon such constable shall make return upon his writ of his doings thereon, and shall deliver the same, with the possession of the property, to such deputy sheriff or other officer, who shall complete the service thereof.

If such original writ has been returned into court, the constable shall file in the case a certificate of the fact of such surrender of possession.

If writ is returned into court, constable to file certificate of surrender.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1870.

AN ACT IN RELATION TO THE SALE AND DELIVERY OF MILK.
Be it enacted, &c., as follows :

Chap. 311

Any person who shall sell or shall offer for sale, any milk, knowing that the cream or any part thereof has been removed therefrom, or who shall with such knowledge deliver any such milk to any person to be made into butter or cheese, without giving notice at the time to the person to whom such milk is sold, offered for sale, or delivered, that such cream has been removed, shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars.

Penalty for selling milk from which the cream has been removed.

Approved June 3, 1870.

AN ACT FOR THE PRESERVATION OF EVIDENCE IN CERTAIN CASES IN SUFFOLK COUNTY.

Chap. 312

Be it enacted, &c., as follows :

SECTION 1. The judges of the superior court, or a majority of them, shall appoint two stenographers to serve as hereinafter provided, at the terms of said court held for civil business within and for the county of Suffolk, who shall be sworn officers of said court, and who shall each receive an annual salary of two thousand dollars, to be paid by the said county of Suffolk.

Two stenographic reporters to be appointed, and sworn.

Salaries.

SECTION 2. Whenever in the trial of any action in said court for said county, both parties to the same shall agree in writing that a stenographic report of the evidence, or of the charge of the presiding judge, or of any part of the proceedings, shall be taken, or whenever, upon the application of either party to an action, the presiding judge shall deem it advisable that a stenographic report of any part of the proceedings shall be taken, it shall be the duty of the stenographers so appointed to cause full stenographic notes to be taken of such proceedings, or any part thereof which may be so required ; and it shall further be the duty of the said stenographers to furnish to either party to such action, upon request, a transcript of such part of the notes so taken as may be required, on payment, on behalf of such party, of seven cents per hundred words for each and every copy so transcribed and furnished ; and in case the presiding judge shall require a transcript of any part of the stenographic notes so taken, he may order the expenses thereon to be

Reporters to make out full report of case when ordered by judge, or by agreement of parties.

Compensation for transcribing notes.

paid equally by the parties to the action, at the rate of seven cents for every hundred words so transcribed, and may enforce payment thereon, and the amount so paid may be allowed to the prevailing party in action.

Removals and vacancies.

SECTION 3. The judges of said court, or a majority of them, may remove said stenographers, or either of them, at any time, and shall fill any vacancy caused by such removal or otherwise.

Assistant stenographic reporter may be appointed with consent of judge.

SECTION 4. The stenographers so appointed, or either of them, may, by and with the consent of the presiding judge in any action where a stenographic report shall be required, appoint an assistant stenographer to assist him in the discharge of his duties, who shall also be sworn to a faithful discharge of his duties: *provided*, that no additional compensation shall be paid or expense incurred by reason of such appointment.

Proviso.

SECTION 5. This act shall take effect upon its passage.

Approved June 3, 1870.

Chap. 313 AN ACT CONCERNING CERTAIN LEGAL PROCEEDINGS IN THE NAME OF THE COMMONWEALTH.

Be it enacted, &c., as follows :

Actions to be brought in court where original judgment was rendered.

SECTION 1. All actions brought in favor of the Commonwealth under the provisions of section forty-six of chapter one hundred and twenty-four of the General Statutes, shall be brought in the court where the original judgment was rendered.

In proceedings for recovery of fines inuring to other parties, court may appoint counsel, &c.

SECTION 2. In all proceedings, in the name of the Commonwealth, for the recovery of fines, forfeitures or penalties, the whole or any part of which inure to the benefit of other parties, the court may, on motion of the attorney otherwise conducting the cause for the Commonwealth, appoint counsel for that purpose; but such counsel so appointed, shall not have the right to control the cause nor receive any compensation from the Commonwealth.

SECTION 3. This act shall take effect upon its passage.

Approved June 3, 1870.

Chap. 314 AN ACT RELATING TO THE MOVING OF BUILDINGS IN PUBLIC STREETS AND WAYS.

Be it enacted, &c., as follows :

Buildings not to be moved in any public street without consent of selectmen.

SECTION 1. No person shall move a building in any public street or way in any town, without written permission from the selectmen of such town, to be granted upon such terms and conditions as in their opinion the public safety may require; and the provisions of this act may be enforced by

injunction, to be issued on petition by the superior court in term time, or by a single justice thereof in vacation.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1870.

AN ACT TO CHANGE THE TIME OF HOLDING THE OCTOBER TERM OF THE SUPERIOR COURT FOR THE COUNTY OF ESSEX.

Chap. 315

Be it enacted, §c., as follows :

SECTION 1. The criminal term of the superior court for the county of Essex, now required by law to be held at Lawrence on the second Monday of October, annually, shall hereafter be held at Lawrence on the first Monday of October, annually.

Criminal term of superior court in Essex county to be held on first Monday of October.

SECTION 2. All writs, processes, bonds and recognizances which shall be made returnable to said court on the second Monday of October next, shall be returned to, be entered at, and have day in, the term of said court to be held at Lawrence on the first Monday of October next.

Writs, &c., returnable on second Monday of October to be entered on first Monday.

SECTION 3. This act shall take effect upon its passage.

Approved June 3, 1870.

AN ACT CONCERNING THE ANNUAL MUNICIPAL ELECTIONS IN THE CITY OF NEW BEDFORD.

Chap. 316

Be it enacted, §c., as follows :

SECTION 1. The annual municipal elections in the city of New Bedford, now required to be holden on the first Monday of December, shall hereafter be held on the first Tuesday of December, annually.

Annual municipal election to be held on first Tuesday of December.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1870.

AN ACT TO ESTABLISH THE SALARY OF THE CASHIER OF THE TREASURY DEPARTMENT.

Chap. 317

Be it enacted, §c., as follows :

SECTION 1. The cashier of the treasury department shall receive an annual salary of two thousand dollars, payable from the first day of January of the present year.

Salary of two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1870.

AN ACT TO INCORPORATE THE UXBRIDGE SAVINGS BANK.

Chap. 318

Be it enacted, §c., as follows :

SECTION 1. Moses Taft, A. W. Bennett, C. A. Wheelock, their associates and successors, are hereby made a corporation by the name of the Uxbridge Savings Bank, to be established in the town of Uxbridge; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may

Corporators.

Name and purpose. Powers and duties.

hereafter be in force, applicable to savings banks and institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1870.

Chap. 319 AN ACT TO EXTEND THE TIME FOR ORGANIZING THE GROTON SAVINGS BANK.

Be it enacted, &c., as follows :

Time for organizing extended.

SECTION 1. The time for organizing the Groton Savings Bank, at Groton Junction, is hereby extended to the first day of May in the year eighteen hundred and seventy-one.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1870.

Chap. 320 AN ACT TO INCORPORATE THE MERRIMACK STREET RAILWAY COMPANY IN THE TOWNS OF HAVERHILL, GROVELAND AND BRADFORD.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Franklin Brickett, Henry N. Merrill and Levi Taylor, their associates and successors, are hereby made a corporation by the name of the Merrimack Street Railway Company, for the purpose of constructing and operating a street railway from a point near the passenger station of the Boston and Maine Railroad in Haverhill, to some convenient point in the town of Groveland, and from said passenger station to some convenient point in the town of Bradford ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are, or may hereafter be in force relating to street railway corporations.

Powers and duties.

Additional expense incurred to be borne by railway corporation.

SECTION 2. All necessary additional expense incurred for the use and benefit of said railway in the construction of the bridge over the Merrimack River between Haverhill and Groveland, authorized to be built under the provisions of the acts of the present legislature, shall be borne by said railway corporation, the amount thereof to be estimated by the county commissioners of the county of Essex ; and said railway company, if they locate and operate their tracks on said bridge, shall pay the same into the county treasury.

Capital stock.

SECTION 3. The capital stock of said corporation shall not exceed sixty thousand dollars.

Approved June 3, 1870.

Chap. 321 AN ACT TO AMEND CHAPTER THREE HUNDRED AND FIFTY-ONE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-NINE, FOR SUPPLYING THE CITY OF LOWELL WITH WATER.

Be it enacted, &c., as follows :

Lowell may take water from Merrimack River at Dracut ;

SECTION 1. The city of Lowell, for the purposes named in the first section of chapter three hundred and fifty-one of the acts of the year eighteen hundred and sixty-nine, is hereby authorized to take water from the Merrimack River,

in the town of Dracut, or said Lowell, and also to take and hold, by purchase or otherwise, land in said Dracut or Lowell, for sinking wells or making excavations, in order to obtain water by filtration or percolation, or from subterranean streams, and for the construction of such works as may be necessary therefor, and for all other purposes for which said city might take or hold land under the provisions of said act, in case the water were taken from the sources in said act authorized.

—may take land
for sinking
wells.

SECTION 2. Nothing in this act shall authorize the construction of any works which, when completed, shall obstruct the flow of the water of said river, (not taken as herein authorized,) to or from any water mill now existing in said Lowell. And in the event that under authority of this act water shall be taken from said river at any place above the dam of the Proprietors of Locks and Canals on Merrimack River, nothing herein shall authorize the use of water so taken, as or for power for propelling or operating machinery, otherwise than as steam.

Flow of water
in river not to
be obstructed.

SECTION 3. In the execution of the authority hereby granted, all the proceedings, rights, powers and liabilities shall, except as herein otherwise provided, be the same, and all persons and corporations, who shall be damaged in their property thereby, shall have the same remedies provided in said act of the year eighteen hundred and sixty-nine, in case the water were taken from the sources in said act authorized.

Remedy for
damages.

SECTION 4. If any person wantonly or maliciously shall divert the water from, or corrupt the water in, or destroy or injure any aqueduct, reservoir, pipe, conduit, hydrant, machine, or other works or property held, owned, or used by the said city of Lowell, by the authority and for the purposes of this act, every such person or persons shall forfeit and pay to the said city three times the amount of damages that shall be assessed therefor, to be recovered by any proper action; and every such person or persons may, moreover, on indictment for, and conviction of, either of the wanton or malicious acts aforesaid, be punished by fine not exceeding one thousand dollars, and imprisonment not exceeding one year.

Penalty for ma-
liciously divert-
ing or corrupt-
ing water.

SECTION 5. This act shall take effect upon its passage.

Approved June 3, 1870.

AN ACT CONFIRMING CERTAIN ACTS OF THE SELECTMEN, ASSESSORS,
AND COLLECTOR OF TAXES OF THE TOWN OF MENDON.

Be it enacted, &c., as follows:

SECTION 1. All the acts of the selectmen of the town of Mendon, in appointing Calvin Butler collector of taxes of said town for the year eighteen hundred and sixty-nine, and

Appointment
of Calvin Butler
as collector of
taxes for Men-
don, confirmed.

all acts of the assessors of said town in committing the tax list thereof, for said year to said collector, and all acts of said collector done in pursuance of the warrant committed to him by said assessors, are hereby confirmed and made valid in law; and the said Calvin Butler is hereby authorized and empowered, as such collector, to complete the collection of said tax list, notwithstanding any irregularity in his appointment and qualification as such collector, or in the commitment of said tax list.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1870.

Chap. 323

AN ACT TO INCORPORATE THE NORTHAMPTON LOAN AND TRUST COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Joel Hayden, Lafayette Maltby, Horatio G. Knight, their associates and successors, are hereby made a corporation by the name of the Northampton Loan and Trust Company, to be located at Northampton, for the purpose of receiving on deposit, storage or otherwise, money in sums of one thousand dollars and upwards, government securities, stocks, bonds, coin, jewelry, plate, valuable papers and documents, evidences of debt, and other property of every kind, and of collecting and disbursing the interest or income upon such of said property received on deposit, as produces interest or income, and of collecting and disbursing the principal of such of said property as produces interest or income when it becomes due, upon terms to be prescribed by the corporation; and for the purpose of advancing money or credits on real and personal security, on terms that may be agreed upon; and all the powers and privileges necessary for the execution of this purpose are hereby granted, subject, nevertheless, to the duties, restrictions and liabilities set forth in the sixty-eighth chapter of the General Statutes, and in all the general laws which now are or hereafter may be in force relating to such corporations.

Name and purpose.

Powers and duties.

Courts may direct moneys or property under their control to be deposited with this corporation.

SECTION 2. Any court of law or of equity, including courts of probate and insolvency, of this state, may, by decree or otherwise, direct any moneys or properties under its control, or that may be paid into court by parties to any legal proceedings, or which may be brought into court by reason of any order or judgment in equity or otherwise, to be deposited with said corporation, upon such terms and subject to such instructions as may be deemed expedient: *provided, however,* that said corporation shall not be required to assume or execute any trust without its own assent. Said corporation shall also have power to receive and hold moneys

or property in trust or on deposit from executors, administrators, assignees, guardians and trustees, upon such terms or conditions as may be obtained or agreed upon: *provided, also*, that all such moneys or properties received under the provisions of this section, shall be loaned on or invested only in the authorized loans of the United States, or of any of the New England states, or cities, or counties, or towns of said states, or stocks of state or national banks organized within this Commonwealth, or the first mortgage bonds of any railroad incorporated by any of the New England states, which has earned and paid regular dividends on its stock for two years next preceding such loan or investment, or first mortgages on real estate, or upon the notes of corporations created under the laws of any of the New England states, or of individuals, with a sufficient pledge as collateral of any of the aforesaid securities; (but all real estate, acquired by foreclosure of mortgages, or by levy of execution, shall be sold at public auction within two years of such foreclosure, or levy:) *provided, also*, that all such money or property received, invested or loaned under this section shall be a special deposit in said corporation, and the accounts thereof shall be kept separate, and such funds, the investment or loans of them, shall be specially appropriated to the security and payment of such deposits, and not be subject to the other liabilities of the corporation; and for the purpose of securing the observance of this proviso, said corporation shall have a trust department, in which all business authorized by this section shall be kept separate and distinct from its general business.

How capital
and moneys
entrusted may
be invested.

Proviso.

SECTION 3. Said corporation shall semi-annually make a return to the commissioner of savings banks in this Commonwealth, on or before the second Mondays of May and November, which shall be signed and sworn to by a majority of its board of directors; and said return shall specify the following, namely: capital stock; amount of all moneys and property, in detail, in the possession or charge of said company as deposits, trust funds or for purposes of investment; number of depositors; investments in authorized loans of the United States or any of the New England states, or cities or towns, stating amount in each; invested in bank stock, stating amount in each; invested in railroad stock, stating amount in each; invested in railroad bonds, stating amount in each; loans on the notes of corporations; loans on notes of individuals; loans on mortgage of real estate; cash on hand; rate, amount and date of dividends since last return; and the commissioner of savings banks shall have access to

To make return
to commissioner
of savings
banks.

the vaults, books and papers of the company, and it shall be his duty to inspect, examine and inquire into its affairs, and to take proceedings in regard to them in the same manner, and to the same extent, as if this corporation were a savings bank, subject to all the general laws which now are or hereafter may be in force, relating to such institutions in this regard.

Subject to provisions of 1865, 283.

Taxes, how to be assessed.

SECTION 4. Said corporation shall be subject to the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five and the acts in amendment thereof; and the taxes upon all property entrusted to the charge of, or deposited with said corporation shall be assessed to said corporation in the manner prescribed for personal property held in trust, or belonging to persons under guardianship in section twelve of chapter eleven of the General Statutes of this Commonwealth, or in any acts which may hereafter be passed in lieu, or amendment thereof.

Annual return to be made to tax commissioner.

SECTION 5. Said corporation shall, annually, between the first and tenth days of May, return to the tax commissioner a true statement, attested by the oath of some officer of the corporation, of all such personal property so held, with the names and residences of the beneficiaries, and the interest of each beneficiary therein, on the first day of May of that year, under the penalties and provisions for the enforcement thereof provided in section fourteen, chapter two hundred and eighty-three, acts of eighteen hundred and sixty-five, or the acts in addition thereto, for corporations failing to make the returns required by said act. Said commissioner shall, on or before the twentieth of June in each year, cause to be printed and sent to the assessor of each town and city in the Commonwealth a true copy of said return.

Commissioner to send printed copy of return to city and town assessors.

May act as agent for issuing bonds, &c., for any corporation.

SECTION 6. The said corporation is also authorized to act as agent for the purpose of issuing, registering or countersigning the certificates of stock, bonds or other evidences of indebtedness of any corporation, association, municipality, state or public authority, on such terms as may be agreed upon.

Capital stock.

SECTION 7. The capital stock of said corporation shall be one hundred thousand dollars, with the privilege to increase the same to five hundred thousand dollars; and the same shall be paid for at such time and in such manner as the board of directors shall decide: *provided*, that no business shall be transacted by the corporation until the whole amount is subscribed for and actually paid in; and no shares shall be issued until the par value of such shares shall have been actually paid in in cash.

Proviso.

SECTION 8. Said corporation shall be entitled to purchase and hold, for its own use, real estate not exceeding in value fifty thousand dollars. \$50,000 in real estate.

SECTION 9. This act shall take effect upon its passage.

Approved June 3, 1870.

AN ACT CONCERNING THAT PORTION OF THE ROAD LATE BELONGING TO THE SALEM TURNPIKE AND CHELSEA BRIDGE CORPORATION WHICH LIES WITHIN THE LIMITS OF THE CITY OF CHELSEA.

Chap. 324

Be it enacted, &c., as follows :

SECTION 1. That portion of the highway lately belonging to the Salem Turnpike and Chelsea Bridge Corporation which lies within the limits of the city of Chelsea, and is called Broadway, shall hereafter be under the jurisdiction and control of said city, in the same manner and to the same extent as the other streets and ways in said city now are : subject, however, to the rights which the Boston and Chelsea Railroad Company and the Lynn and Boston Railroad Company have in said highway, except as herein provided.

Broadway in Chelsea lately belonging to Salem Turnpike and Chelsea Bridge Corporation to be under jurisdiction of city.

SECTION 2. The mayor and aldermen of said city may alter the grade of said street, and the tracks of said railroad companies to conform to such change of grade, and thereafter the obligations of said city of Chelsea and of said railroad companies, respectively, to keep said street in repair, and the liabilities of said corporations, respectively, by reason of defects in said road and tracks shall be such, and such only, as are imposed upon municipal corporations and street railway companies, respectively, under existing laws.

Mayor and aldermen may alter grade of street and tracks of horse cars.

SECTION 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved June 3, 1870.

AN ACT CONCERNING RAILROAD CORPORATIONS.

Chap. 325

Be it enacted, &c., as follows :

SECTION 1. Any railroad corporation may establish for its sole benefit, fares, tolls and charges, upon all passengers and property, conveyed or transported on its railroad, at such rates as may be determined by the directors thereof, and may from time to time by its directors regulate the use of its road : *provided*, that such rates of fares, tolls and charges, and regulations, shall at all times be subject to revision and alteration by the legislature, or such officers or persons as the legislature may appoint for the purpose, anything in the charter of any such railroad corporation to the contrary notwithstanding.

Railroad corporations may establish rates of fare and charges for freight.

Proviso.

State may take and possess any railroad upon giving one year's notice to corporation.

Commissioners to determine damages.

Towns of less than twelve thousand inhabitants may take stock in any railroad.

Provisos.

Towns may raise money by loan, &c., to pay for shares.

SECTION 2. The Commonwealth may, at any time take and possess the road, franchise and other property of any railroad corporation after giving one year's notice in writing to such railroad corporation, and paying therefor such compensation as may be awarded by three commissioners, who shall be appointed by the supreme judicial court, and shall be duly sworn to appraise the same justly and fairly. Said commissioners shall estimate and determine all damages sustained by any such railroad corporation by such taking of the road, franchise and other property thereof, and any such corporation aggrieved by the determination of said commissioners, may have its damages assessed by a jury of the superior court in the county of Suffolk in the same manner as is provided by law with respect to damages sustained by reason of the laying out of ways in the city of Boston.

SECTION 3. Any town of this Commonwealth having less than twelve thousand inhabitants within which the road of any railroad corporation hereafter incorporated, or the road of any existing corporation which is not now constructed shall be located or terminate, may subscribe for and hold shares of the capital stock, or the securities of such railroad corporation, to an amount not exceeding five per centum of the valuation of such town for the year in which the subscription shall be made: *provided*, that two-thirds of the legal voters of such town present and voting by ballot and using the check-list, at a legal town meeting duly called for the purpose, shall vote to subscribe for such shares or securities; but nothing herein contained shall affect the right of any town to subscribe for such shares or securities under authority of any previous act; and *provided, also*, that the total amount of all subscriptions of such town which have been or may be made to the stock or securities of any railroad corporation or corporations under authority of this or any previous act, shall not exceed five per centum of the assessed valuation of such town. Such town may pay for such shares or securities so voted to be taken out of its treasury, and may raise by loan upon bonds, or tax, or otherwise, any and all sums of money which may be necessary to pay for the same; and may hold and dispose of the same like other town property; and the selectmen of such town or any agent specially chosen for the purpose, shall have authority to represent such town at any and all meetings of such corporations, and may vote on the whole amount of the stock so held, anything in chapter sixty-three of the General Statutes to the contrary notwithstanding.

SECTION 4. Any railroad corporation whose line of road is wholly constructed and in operation, may guarantee the bonds or other evidences of indebtedness of any railroad corporation which may be subsequently chartered, or of any existing railroad corporation whose road is not constructed, whenever the road of such subsequently chartered, or existing corporation shall join or connect with its road in such manner and to such an extent as shall be authorized by a majority vote on the stock represented at a meeting of the stockholders of said corporation called for the purpose.

Any railroad corporation may guarantee bonds, &c., of other roads, if authorized by vote of stockholders.

SECTION 5. Section one hundred and twelve of chapter sixty-three of the General Statutes is hereby repealed.

Repeal.

SECTION 6. This act shall take effect upon its passage.

Approved June 4, 1870.

AN ACT CONCERNING FEES OF WITNESSES IN CIVIL AND CRIMINAL CASES.

Chap. 326

Be it enacted, &c., as follows :

SECTION 1. No person employed as a state constable, or deputy state constable, nor any officer of the state whose salary is fixed by law, shall be entitled to any witness fees before any court or trial justice of this Commonwealth in any cause where the Commonwealth is a party. Nor shall any officer whose pay is derived solely from fees be entitled to receive more than one per diem allowance as a witness for any day's attendance on court, under one or more summonses in behalf of the Commonwealth, and the said per diem allowance shall be apportioned by the clerk among the cases in which he is so summoned.

State constable and deputies not to receive witness fees where the state is a party.

SECTION 2. When it shall appear on oath that a salaried officer of the Commonwealth not entitled to witness fees, has attended court as a witness in behalf of the Commonwealth, at a place other than his residence, and that his necessary expenses have been increased by such attendance as a witness, the court in its discretion may allow such increased necessary expense, not exceeding however one dollar and fifty cents in all for actual and necessary attendance per day under the summons or summonses.

Court may allow expenses of witness when not entitled to pay for attendance.

SECTION 3. Any person or persons included in the foregoing sections who shall receive any witness fees or allowances for increased necessary expense contrary to the true intent and meaning of this act, shall on conviction thereof, be punished by a fine not exceeding one hundred dollars. The clerks of the respective courts and the trial justices, shall report forthwith to the district attorneys of the respective counties where the said courts or hearings are had,

Penalty for unlawfully receiving witness fees.

every violation of this statute that shall come to their knowledge, and the said district attorneys shall institute prosecutions therefor.

Approved June 4, 1870.

Chap. 327 AN ACT GIVING THE CONSENT OF THE COMMONWEALTH TO THE UNITED STATES FOR THE PURCHASE OF ADDITIONAL LAND IN THE CITY OF BOSTON, FOR THE SUB-TREASURY AND POST-OFFICE SITE.

Be it enacted, &c., as follows:

United States
may purchase
additional land
in Boston for
post-office.

SECTION 1. The consent of this Commonwealth is hereby granted to the United States to purchase additional land for the site of the new post-office and sub-treasury building in the city of Boston, the said additional land lying adjoining the tract already purchased by the United States in the block bounded by Devonshire, Water, Congress and Milk Streets.

Description of
estate owned
by Thomas
Goddard,
trustee;

The said tracts of additional land are, First: an estate owned by Thomas Goddard, trustee, fronting on Milk Street, bounded and described as follows: beginning at the most south-westerly corner of the said land at a point in the northerly line of Milk Street, said point being in the division line of property between land of the United States and land herein described; thence running eastwardly on Milk Street, there measuring twenty feet and five inches; thence northwardly by other land of the said Goddard, trustee, sixty-two feet and seven inches to land of Edward Wigglesworth; thence westwardly by land of said Wigglesworth about one foot and two inches; thence northwardly by the same, five feet; thence westwardly by land of the United States twenty-one feet; thence southwardly by the same, seven feet and seven inches, and thence southwardly again by the same, fifty-eight feet and seven inches, to the point of beginning, containing fourteen hundred and fifty-four square feet, more or less.

—owned by
Merchants' In-
surance Com-
pany.

Second: another tract, being an estate owned by the Merchants' Insurance Company, fronting on Water Street, bounded and described as follows: beginning at the most north-westerly corner of said estate, at a point in the south-erly line of Water Street, said point being in the division line of property between land of the United States and land herein described, and also being the westerly corner of Water Street and a common passage way eleven feet wide; thence running eastwardly by Water Street, there measuring eleven feet and one-third of an inch; thence southerly by other land of said Merchants' Insurance Company, seventy-three feet and three inches; thence westwardly by land of the United States, eleven feet; thence northwardly by the same, seventy-two feet and eight and one-half inches to the

point of beginning; containing eight hundred and twelve square feet, more or less, being a strip of land eleven feet wide, used as a common passage way by the United States and the said Merchants' Insurance Company, or any part or portion thereof; and jurisdiction is hereby ceded to the United States over the said tracts, respectively, or any part or portion thereof, when the United States shall become the owner thereof; *provided, always*, that this Commonwealth shall retain and does retain concurrent jurisdiction with the United States in and over all the lands aforesaid so far that civil processes and criminal processes, issuing under the authority of this Commonwealth, may be executed on said land and in any buildings thereon erected or to be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid; and *provided*, that the exclusive jurisdiction shall revert to and revest in the Commonwealth of Massachusetts whenever said lands shall cease to be used by the United States for public purposes.

Provisos.

SECTION 2. If the agent or agents employed by the United States, and the person or persons owning or interested in either of said estates, cannot agree upon the price to be paid for their interest therein, the agent or agents of the United States may apply by petition to the superior court for the county of Suffolk, such petition to be made separately as to each of said estates, describing the estate and praying to have the valuation thereof made by a jury; and the court, after due notice to the owner or owners of the estate described in such petition and to all parties interested therein, to be given in such manner as the court may order, is hereby empowered and required to hear the parties and finally determine the value of their said estate, (taking into consideration the injury or benefit, if any, which said owners or persons interested, may sustain in any adjoining estate,) by a jury, who shall be sworn to faithfully and impartially make such appraisement and valuation. And if any person or persons, other than the owner or owners of said estate, shall appear and claim any interest in said estate, the value to the owner of the fee and to all persons interested in said estate, shall be ascertained and apportioned in the same manner as is provided for the assessment of damages in section fifty-five of chapter forty-three of the General Statutes; and the clerk of the superior court, for civil business, for the county of Suffolk, shall, during the present term of the superior court, if practicable, and if not, at the following July term thereof, issue writs of *venire facias*, for jurors to make the appraisements and valuations aforesaid, and shall therein require

If agents of United States and persons owning estates do not agree upon price, valuation to be made by a jury.

the attendance of said jurors on such day as the court shall order, and said writs shall be severally issued, delivered, transmitted, served and returned in the same manner as now provided as to other juries by chapter one hundred and thirty-two of the General Statutes; and the value aforesaid having been ascertained, by the verdict of said jury, and said verdict accepted and recorded by said court, and the amount thereof paid, or tendered, within one month after final judgment, to the said owner or owners, or persons interested, or their agent or attorney, together with their reasonable costs and expenses, to be taxed by said court, or in case of their neglect or refusal to receive the same, the amount of said verdict, costs and expenses having been paid into the treasury of this Commonwealth, for their use, and subject to their order, the fee of said estate shall be forever vested in the United States: *provided, however*, that neither the United States nor their agent or agents shall enter into or take possession of said estates, respectively, or exercise any act of ownership thereon until the amount of said verdict, costs and expenses aforesaid shall have been actually paid as aforesaid; and *provided, also*, that all the charges of said application and appraisal shall be paid by the United States.

Provisos.

The applications aforesaid may, by agreement of parties, be heard and determined together, but a separate valuation shall be made and a separate verdict rendered in each case.

Plan of land to be filed in office of secretary of the Commonwealth.

SECTION 3. This act shall be void unless a suitable plan of the additional land obtained or purchased by the United States under this act, shall be filed in the office of the secretary of the Commonwealth within one year after the title shall be acquired.

SECTION 4. This act shall take effect upon its passage.

Approved June 4, 1870.

Chap. 328

AN ACT CONCERNING THE TAXATION OF SHIPS OR VESSELS.

Be it enacted, &c., as follows:

Ships or vessels owned by a copartnership, how to be assessed.

SECTION 1. Ships or vessels owned by a copartnership shall be assessed to the several partners in their places of residence, proportionally to their interests therein, if they reside within the Commonwealth. But the interests of the several partners who, reside without the Commonwealth shall be assessed to the copartnership in the place where their business is carried on.

Tax to be laid and collected for the year 1870.

SECTION 2. This act shall take effect upon its passage, and a tax shall be laid and collected under the provisions thereof for the present year, in the same manner as if the same had been in force on the first day of May.

Approved June 9, 1870.

AN ACT RELATING TO THE CUSTODY OF DEEDS TO THE COMMON-WEALTH. *Chap. 329**Be it enacted, &c., as follows :*

All deeds and instruments conveying real estate to the Commonwealth, shall, when recorded, be deposited with and be safely kept by the treasurer and receiver-general.

Deeds of real estate to the Commonwealth, to be deposited with treasurer.

*Approved June 10, 1870.*AN ACT CONCERNING THE MUNICIPAL COURT OF THE CITY OF BOSTON. *Chap. 330**Be it enacted, &c., as follows :*

SECTION 1. The governor may, with the advice and consent of the council, appoint and commission a special justice of the municipal court of the city of Boston. Said special justice may, at the request of the justice of said court, whose duty it may be in rotation to hold any term of said court, or in case of the sickness or absence of any justice, or a vacancy, then upon the request of the other justices of said court, or either of them, shall hold any term or terms thereof, and during the continuance of such request, or during the time of such sickness, absence or vacancy, shall have and exercise all the powers and duties which by the statutes of this Commonwealth are to be exercised by the justices of said court; the compensation of said special justice shall be determined and paid in the manner now provided by law for special justices of police courts.

Special justice of the municipal court of Boston may be appointed.

Compensation.

SECTION 2. The fee for the entry in said court of an action, or filing a complaint in civil causes, including filing of papers, examining, allowing, and taxing the bill of costs, and entering up the judgment and recording the same, shall be one dollar instead of sixty-one cents, as now provided by law.

SECTION 3. In actions before said court, the defendant may file his declaration in set-off at any time during the return term of the writ; but upon motion the court may for good cause shown and upon suitable terms, allow such declaration in set-off to be filed at any time.

Defendant may file declaration in set-off, at any time during return term of writ, &c.

SECTION 4. This act shall take effect upon its passage.

*Approved June 10, 1870.*AN ACT TO AMEND CHAPTER FIFTY OF THE GENERAL STATUTES RELATING TO HAWKERS AND PEDLERS. *Chap. 331**Be it enacted, &c., as follows :*

SECTION 1. Chapter fifty of the General Statutes is hereby amended, as follows, to wit:—

Amendments to G. S. 50.

By striking out section sixteen and substituting therefor the following:—

Section 16. The secretary of the Commonwealth may grant a license to go about exposing to sale and selling any goods, wares or merchandise, not prohibited in the preceding section, to any applicant who files in his office a certificate signed by the mayor of a city or a majority of the selectmen of a town, stating that to the best knowledge and belief of such mayor or selectmen, the applicant therein named, is a citizen of the United States, or has declared his intention to become a citizen of the United States, and is of good repute for morals and integrity. The mayor or selectmen, before granting such certificate, shall require the applicant to make oath that he is the person named therein; that he is a citizen of the United States, or has declared his intention to become a citizen of the United States; which oath shall be certified by a justice of the peace, and accompany the certificate. Every license so granted shall bear date the day it is issued, and shall continue in force one year, and no longer.

In section twenty, by inserting after the word "glass," the words "earthen, iron, plated."

In section twenty-six, by inserting after the words "forfeit a sum not," the words "less than fifty dollars nor."

In section twenty-seven, by inserting after the word "merchandise" the words "named in section fifteen, or carries for sale or exposes for sale any other goods, wares or merchandise."

And in the same section, by inserting after the words "forfeit a sum not," the words "less than fifty dollars nor."

SECTION 2. Nothing in the preceding section shall be construed to affect any unexpired license heretofore issued under the provisions of said chapter fifty.

Approved June 10, 1870.

Unexpired
licenses not to
be affected.

Chap. 332

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF DISTRICTS, FOR MAINTAINING STREET LAMPS, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Towns may
authorize vil-
lages, &c., of
one thousand
inhabitants, to
erect street
lamps, main-
tain libraries,
employ watch-
men, &c.

SECTION 1. Any town, at a legal meeting, having an article in the warrant for the purpose, may authorize a village or district in such town, containing not less than one thousand inhabitants, the limits of which shall be accurately defined, to organize under such name as may be authorized by such town, for the purpose of erecting and maintaining street lamps, establishing and maintaining libraries, building and maintaining sidewalks, and employing and paying watchmen and police officers, or any of such purposes.

SECTION 2. The provisions of sections thirty-five, thirty-six, thirty-nine, forty-three, forty-four, forty-five, and forty-

Repeal.

seven of chapter twenty-four of the General Statutes, and chapter two hundred and fifty-seven, of the acts of the year eighteen hundred and sixty-five, shall, so far as applicable, apply to such districts.

SECTION 3. The officers of such districts, in addition to a clerk and prudential committee, may be a treasurer, and such other officers as the district may decide to elect; and all of such officers shall hold their offices for one year, and until others are chosen and qualified in their stead.

Officers of districts.

SECTION 4. Such districts may adopt such by-laws, as they may deem proper, to define the duties of their officers, and the manner of calling meetings of the districts.

Districts may adopt by-laws, &c.;

SECTION 5. Such districts may sue and be sued in the name of the inhabitants of such districts.

—may sue and be sued.

Approved June 10, 1870.

AN ACT TO ESTABLISH THE MUNICIPAL COURT OF THE DORCHESTER DISTRICT IN BOSTON.

Chap. 333

Be it enacted, &c., as follows:

SECTION 1. A police court is hereby established in that portion of the city of Boston, lately known as the town of Dorchester, and now forming ward sixteen of said city, under the name of the Municipal Court of the Dorchester District, and the territory now comprised within the limits of said ward shall constitute a judicial district under the jurisdiction of said court. Said court shall, except as hereinafter named, have the same jurisdiction, power and authority, shall perform the same duties and be subject to the same regulations as are provided in respect to existing police courts, except the municipal court of Worcester and the municipal court of Boston, by the one hundred and sixteenth chapter of the General Statutes and by all general laws passed in amendment thereof applicable to the several police courts of the Commonwealth; except that said jurisdiction shall not exclude the civil and criminal jurisdiction of the municipal court of the city of Boston within said district, which shall continue therein concurrently in all cases with the jurisdiction of the court hereby established, and all the provisions of law relating to civil and criminal proceedings, the taxation of costs, the payment of fines, the expenses of court, the accounting and settling with the city, county or town treasurers for money paid into court as forfeitures or otherwise, and all returns or requirements of law applicable to the several police courts of the Commonwealth except the municipal courts of Boston and Worcester, shall apply to the court hereby established.

Municipal court of Dorchester District.

Jurisdiction of the court.

One standing justice and two special justices.

SECTION 2. The court hereby established shall consist of one standing justice and two special justices, to be appointed, commissioned and qualified pursuant to the constitution and laws of the Commonwealth.

Compensation of justices.

SECTION 3. The standing justice of the court hereby established shall receive an annual salary of twelve hundred dollars, to be paid from the treasury of the Commonwealth. The compensation of the special justices for duties performed by them, in case of the sickness, interest, absence or other disability of the standing justice, shall be paid by the standing justice as provided by law.

Proceedings commenced before June 30, 1870, to be prosecuted, &c., as though this act had not passed.

SECTION 4. All proceedings duly commenced before any municipal court, trial justice, or justice of the peace before the thirtieth day of June, in the year one thousand eight hundred and seventy, shall be prosecuted and determined as though this act had not been passed.

Repeal.

SECTION 5. All acts and parts of acts inconsistent herewith, are hereby repealed.

When to take effect.

SECTION 6. So far as it provides for appointing, commissioning and qualifying the standing justice and special justices of the court hereby established, this act shall take effect upon its passage, and it shall take full effect on the thirtieth day of June in the year eighteen hundred and seventy.

Approved June 10, 1870.

Chap. 334

AN ACT TO INCORPORATE THE WEBSTER FIRE INSURANCE COMPANY.
Be it enacted, &c., as follows :

Corporators.

SECTION 1. Charles Stoddard, Avery Plumer, Alpheus Hardy, their associates and successors, are hereby made a corporation by the name of the Webster Fire Insurance Company, in the city of Boston, for the purpose of making insurance against losses by fire ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the General Statutes, which now are or hereafter may be in force, relating to such corporations.

Capital stock and shares.

SECTION 2. The said corporation shall have a capital stock of two hundred thousand dollars, divided into shares of one hundred dollars each, with liberty to pay in and increase the same to four hundred thousand dollars ; and shall have a right to hold real estate for its own use to an amount not exceeding ten per cent. upon its paid up capital stock.

Real estate.

May commence business when \$100,000 cash has been paid in.

SECTION 3. Said corporation may commence business when one hundred thousand dollars of its capital stock shall have been subscribed and paid in in cash.

SECTION 4. This act shall take effect upon its passage.

Approved June 10, 1870.

AN ACT TO AMEND AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF THE COUNTY OF BRISTOL TO LAY OUT HICK'S BRIDGE AS A PUBLIC HIGHWAY.

Chap. 335

Be it enacted, &c., as follows :

Section one of chapter one hundred and eighty-one of the acts of the present session, is hereby amended by striking out the word "instructed," and inserting instead thereof the word "empowered."

Amendment to 1870, 181, § 1.

Approved June 10, 1870.

AN ACT IN RELATION TO THE SALARIES OF THE ASSISTANT CLERKS OF THE COURTS FOR THE COUNTIES OF ESSEX, NORFOLK AND SUFFOLK.

Chap. 336

Be it enacted, &c., as follows :

SECTION 1. The assistant clerk of the courts for the county of Essex shall receive an annual salary of eighteen hundred dollars. The assistant clerk of the courts for the county of Norfolk shall receive an annual salary of thirteen hundred dollars, and the assistant clerk of the superior court for civil business, in the county of Suffolk shall receive an annual salary of twenty-two hundred dollars, payable quarterly from the treasuries of said counties, from the first day of April, in the year one thousand eight hundred and seventy.

Salaries of assistant clerks of courts for Essex, Norfolk and Suffolk.

SECTION 2. This act shall take effect upon its passage.

Approved June 10, 1870.

AN ACT TO AMEND THE CHARTER OF THE CITY OF BOSTON.

Chap. 337

Be it enacted, &c., as follows :

SECTION 1. The qualified voters of the city of Boston shall, at the annual municipal election next after the passage of this act, be called upon to give in their votes for three able and discreet men, being inhabitants of said city, who shall constitute the board of street commissioners of said city ; one of whom shall be chosen for the term of one year, one for the term of two years, and one for the term of three years from the first Monday of January next ensuing, and until their successors are chosen and qualified ; and at any subsequent annual election the qualified voters of the city shall choose one person, qualified as aforesaid, to be a member of said board, to serve for the term of three years.

Board of street commissioners established ;

SECTION 2. Said street commissioners shall have all the powers now exercised by the board of aldermen, concerning the laying out, altering or discontinuing the streets and ways of said city, and the powers now exercised by said board of aldermen in relation to the abatement of taxes.

—to have powers of board of aldermen concerning laying out streets and abatement of taxes ;

—to make estimate of cost of laying out street.

If estimate exceeds \$25,000 matter to be determined by city council.

Proviso.

Compensation.

Clerk to be appointed by commissioners and compensation fixed by city council.

Vacancies in board to be filled by concurrent vote of city council.

Surveys and plans required, to be furnished by city surveyor.

SECTION 3. Whenever said board of street commissioners shall adjudge that the public safety and convenience require that any street, lane or alley in the said city shall be laid out, altered or discontinued, they shall make and record an estimate of the expense thereof; and if such estimate shall exceed the sum of twenty-five thousand dollars, or if such estimate with the estimates of any previous alteration or discontinuance of any part of said street, lane or alley, during the municipal year, shall exceed the sum of twenty-five thousand dollars, the order for such laying out, alteration or discontinuance, together with an estimate of the expense thereof, shall be sent to the city clerk, who shall forthwith lay the same before the city council for their concurrence or rejection; and such act shall not take effect or be in force until said city council shall concur therein: *provided*, that if said city council shall not act definitely thereon within thirty days after the time when the same shall have been laid before them, and cause a certified copy of their proceedings to be transmitted to said board of street commissioners, the order shall take effect at such time as said commissioners may determine.

SECTION 4. Said commissioners shall each receive an annual salary of not less than three thousand dollars, which shall be in full for their services, shall be fixed by the city council, and paid from the treasury of the city.

SECTION 5. Said commissioners shall appoint a clerk of said board, removable at pleasure, who shall have charge of the records of said board, and perform such clerical and other duties as may be required of him; he shall be sworn to the faithful performance of the duties of said office, and shall receive such salary for his services as the city council may determine, which shall be paid from the treasury of said city.

SECTION 6. Whenever a vacancy occurs in said board of street commissioners, the same shall be filled by a concurrent vote of the city council; and the person so elected shall hold the office until his successor at the next municipal election shall be chosen and qualified.

SECTION 7. All surveys and plans required by said commissioners shall be furnished by the city surveyor, and he shall perform such other duties for said commissioners as they may require.

SECTION 8. All laws inconsistent herewith are hereby repealed.

Approved June 11, 1870.

AN ACT CONCERNING INNOLDERS, BOARDING-HOUSE KEEPERS AND THEIR GUESTS. *Chap. 338**Be it enacted, &c., as follows :*

SECTION 1. Innholders shall not be liable for losses sustained by their guests, except wearing apparel, articles worn or carried on the person to a reasonable amount, personal baggage and money necessary for travelling expenses and personal use, unless upon delivery, or offer of delivery by such guests of their money or other property, to the innholder, his agents or servants, for safe keeping.

Liability of innholders for loss of property by their guests.

SECTION 2. Any person who shall put up at any hotel or inn, and shall procure any food, entertainment, or accommodation, without paying therefor, except where credit is given by express agreement, with intent to cheat or defraud the owner or keeper thereof out of the pay for the same; or who, with intent to cheat or defraud such owner or keeper out of the pay therefor, shall obtain credit at any hotel or inn for such food, entertainment or accommodation, by means of any false show of baggage or effects brought thereto; or who shall with such intent remove, or cause to be removed, any baggage or effects from any hotel, inn or boarding-house, while there is a lien existing thereon for the proper charges due from him for fare and board furnished therein, shall be punished by imprisonment not exceeding three months, or by fine not exceeding one hundred dollars.

Penalty for procuring entertainment, &c., at hotel without paying therefor, with intent to defraud.

Penalty for unlawfully removing baggage.

SECTION 3. It shall be the duty of all innholders to post up a printed copy of this act in a conspicuous place in each room of their hotels or inns.

Copies of law to be posted in rooms of hotel.

*Approved June 11, 1870.*AN ACT CONCERNING STATE AID FOR DISABLED SOLDIERS AND THEIR FAMILIES AND THE FAMILIES OF THE SLAIN. *Chap. 339**Be it enacted, &c., as follows :*

SECTION 1. The operation of chapter one hundred and seventy-two of the acts of the year eighteen hundred and sixty-six, and chapter one hundred and thirty-six of the acts of the year eighteen hundred and sixty-seven, so far as they provide for the payment of state aid to disabled soldiers and sailors and their families and for the families of the slain, residing in this Commonwealth, is hereby extended to the first day of January, in the year eighteen hundred and seventy-three: *provided*, that the decease of a soldier who was or shall be in the receipt of a pension from the United States and of state aid, at the time of his death, shall not prevent his family from receiving state aid under this act; and *provided, further*, that from and after the first day of January, in the year eighteen hundred and seventy-one, town and city authorities shall withhold the aid, when in their judg-

State aid to disabled soldiers and sailors and their families continued.

Proviso.

Proviso.

ment, any person who is in receipt of a pension from the United States, is not in necessitous circumstances or sufficiently disabled to prevent him from pursuing his ordinary and usual vocation.

Repeal.

SECTION 2. The first proviso in section one, and the first proviso in section two of chapter one hundred and thirty-six of the acts of the year eighteen hundred and sixty-seven, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved June 11, 1870.

Chap. 340

AN ACT TO PREVENT FRAUDS IN THE SALE OF WATCHES.

Be it enacted, &c., as follows :

Penalty for
using trade-
mark of
another.

Whoever shall knowingly sell or expose for sale any watch, watch-case, or watch movement, having any name, letters, mark, device or figure, attached to, or connected therewith, in violation of section one of chapter fifty-six of the General Statutes, shall be punished by imprisonment not exceeding one year, or by a fine not exceeding two hundred dollars; and the possession of two or more such watches shall be *prima facie* evidence of such selling or exposing to sale.

Approved June 11, 1870.

Chap. 341

AN ACT TO AMEND AN ACT TO INCORPORATE THE SOUTHWORTH COTTON MANUFACTURING COMPANY.

Be it enacted, &c., as follows :

Amendment to
1870, 133, § 1.

SECTION 1. The first section of chapter one hundred and thirty-three of the acts of the year eighteen hundred and seventy, entitled an act to incorporate the Southworth Cotton Manufacturing Company is hereby amended by striking out the names Constant A. Southworth and Lemuel Pratt, and by inserting in place thereof the names Consider A. Southworth and Laban Pratt.

SECTION 2. This act shall take effect upon its passage.

Approved June 11, 1870.

Chap. 342

AN ACT TO INCORPORATE THE HALL OF INDUSTRY IN BOSTON.

Be it enacted, &c., as follows :

Corporators.

Name and pur-
pose.

SECTION 1. George Cooke, Linus Child and H. G. Hutchins, their associates and successors, are hereby made a corporation by the name of the Hall of Industry in Boston, for the registration of the several industries, and the collection of practical, statistical and advisory information relating to the same; also for the registration of skilful and worthy labor in the several arts and trades, and the diffusion of such

intelligence as may best promote the interests of employers and employed, stimulate industry, and protect strangers seeking employment in our cities; with all the powers and privileges, and subject to all the duties and liabilities set forth in the sixty-eighth chapter of the General Statutes.

Powers and duties.

SECTION 2. The said corporation may hold for the purposes aforesaid, real estate to an amount not exceeding fifty thousand dollars, and a like amount of personal estate.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved June 11, 1870.

AN ACT TO AMEND AN ACT TO INCORPORATE THE NEPTUNE WOOLEN MANUFACTURING COMPANY.

Chap. 343

Be it enacted, &c., as follows :

SECTION 1. The first section of chapter one hundred and forty-six of the acts of the year eighteen hundred and sixty-eight is hereby amended by striking out the words "in the city of Lawrence," and substituting therefor the words in the counties of Middlesex and Suffolk.

Amendment to 1868, 146, § 1.

SECTION 2. This act shall take effect upon its passage.

Approved June 11, 1870.

AN ACT TO AUTHORIZE THE FITCHBURG RAILROAD COMPANY TO SUBSCRIBE FOR STOCK OF THE CAUGHNAWAGA SHIP CANAL COMPANY, AND FOR OTHER PURPOSES.

Chap. 344

Be it enacted, &c., as follows :

SECTION 1. The Fitchburg Railroad Company may subscribe for and hold shares in the capital stock of the Caughnawaga Ship Canal Company, a corporation recently chartered by the Dominion parliament to construct a ship canal to connect the waters of Lake Champlain with the river Saint Lawrence, to an amount not exceeding one hundred and fifty thousand dollars: *provided*, that said railroad company, by a two-thirds vote on the stock represented, at a meeting of its stockholders, duly called for the purpose, shall vote so to do; and may increase its capital stock to the amount of such subscription.

Fitchburg Railroad may take stock in Caughnawaga Ship Canal.

Proviso.

SECTION 2. In case said railroad company, at any time prior to the completion of the Hoosac tunnel, shall issue any new stock under authority of this or any previous act, said railroad company may, by a vote of its directors, sell the same or any part thereof to any person or persons at public or private sale at current rates, not less than the par value of the same.

If new stock is issued it may be sold at public or private sale at not less than par.

SECTION 3. This act shall take effect upon its passage.

Approved June 13, 1870.

Chap. 345 AN ACT TO INCORPORATE THE HUDSON MASONIC BUILDING ASSOCIATION.*Be it enacted, &c., as follows :*

Corporators. SECTION 1. George Houghton, Edmund M. Stowe, Augustus K. Graves, their associates and successors, are hereby

Name and purpose. made a corporation by the name of the Hudson Masonic Building Association, for the purpose of erecting a building in the town of Hudson, and maintaining the same for the accommodation and purposes of a masonic hall or any other

Powers and duties. lawful purpose ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all the general laws of this Commonwealth, which now are or may hereafter be in force, so far as applicable to such corporations.

Capital stock and shares. SECTION 2. Said corporation shall have a capital stock not exceeding fifty thousand dollars, divided into shares of fifty dollars each, and may hold, for the purposes aforesaid, real and personal estate not exceeding the amount of the capital stock : *provided*, that said corporation shall incur no liabilities until five thousand dollars of its capital stock has been actually paid in in cash.

Proviso.

SECTION 3. This act shall take effect upon its passage.

*Approved June 13, 1870.***Chap. 346** AN ACT IN RELATION TO THE FEES OF CONSTABLES.*Be it enacted, &c., as follows :*

Fee of constable for attending coroner's jury fixed at two dollars a day. Section seven of chapter one hundred and fifty-seven of the General Statutes is hereby so far amended, that the fees of constables for summoning jurors upon a coroner's inquest, and for attendance thereon, shall be at the rate of two dollars per day.

*Approved June 13, 1870.***Chap. 347** AN ACT IN ADDITION TO AN ACT CONCERNING THE SHELL FISHERIES IN THE TOWN OF WELLFLEET.*Be it enacted, &c., as follows :*

Clams, &c., not to be taken in Wellfleet by non-residents, without permit ; — nor more than three bushels by inhabitants, for bait, &c. SECTION 1. No person not an inhabitant of the town of Wellfleet shall take any clams, quahaugs, oysters or other shell-fish within the waters of said town, without first getting a permit from the selectmen, nor shall any person being an inhabitant of said town take any of said fish for bait, at any one time exceeding three bushels, including their shells, or for the purpose of selling the same, without a permit from the selectmen of said Wellfleet, who may grant the same for such sum, to be paid to the use of the town, as they shall deem proper ; but the inhabitants of said town may take said fish for family use without such permit.

SECTION 2. Whoever takes any shell-fish from within the waters of the said town of Wellfleet, in violation of the provisions of this act, shall, for every offence, pay a fine of not less than five nor more than ten dollars and cost of prosecution, and one dollar for every bushel of shell-fish so taken; said fine and forfeiture imposed under this act to be recovered by indictment or information before a trial justice, in the county of Barnstable.

Penalty for violation of provisions of act.

Approved June 13, 1870.

AN ACT IN ADDITION TO AN ACT CONCERNING THE DIVISION OF FLATS.

Chap. 348

Be it enacted, &c., as follows:

SECTION 1. On proceedings for settling and determining the lines and boundaries of the ownership of persons holding lands or flats adjacent to or covered by high-water mark, under chapter three hundred and six, of the acts of the year eighteen hundred and sixty-four, the court before which the petition is pending may, in its discretion, if deemed more convenient, or tending to a more expeditious disposition of the proceedings, postpone the trial of any or all questions and issues of fact raised by the answer or plea of the respondent or respondents, until after the report of the commissioners in regard to such lines and boundaries has been made.

Court may postpone trial of questions of fact until report of commissioners has been made.

SECTION 2. This act shall take effect upon its passage.

Approved June 13, 1870.

AN ACT REGULATING CERTAIN MATTERS OF INSURANCE.

Chap. 349

Be it enacted, &c., as follows:

SECTION 1. It shall not be lawful for any insurance company or association, created by or organized under the laws of any foreign government, other than the states of this union, or for any partnership, association, firm or individual of such foreign government, or for any agent or agents of such foreign company, association, partnership, firm or individual to make contracts of insurance, or expose such company, association, partnership, firm or individual to loss in this state, in any one risk or hazard to an amount exceeding ten per cent. of the value of the securities deposited by such company, association, partnership, firm or individual with the several insurance or other departments of the states of this union, and ten per cent. of the net assets in the hands of trustees resident in and citizens of any of the United States, subject at all times to the approval of the insurance commissioner of this State, for the general benefit and security of all policy-holders residing in the United States, which shall

Foreign insurance companies not to insure upon one risk more than ten per cent. of the value of securities deposited with the insurance department, &c.;

—not to re-insure risk taken by company not authorized to insure in the state;

—to make full returns to insurance commissioner;

—liable to same penalty as home insurance companies for neglect to make returns.

Penalties.

Life insurance companies not to insure, &c., except according to laws of the state.

Proviso.

be immediately available for the payment of losses in this state. Nor shall it be lawful for any such foreign or other insurance company, association, partnership, firm or individual, directly or indirectly, to contract for or effect any re-insurance of any risk on property in this state taken by such company, association, partnership, firm or individual, with any insurance company, association, partnership, firm or individual not authorized to transact the business of insurance in this state in accordance with the laws thereof.

SECTION 2. All foreign insurance companies, associations, partnerships, firms or individuals, whether incorporated or not, transacting the business of fire, marine or life insurance, or any other kind of insurance, in this state, shall make full annual statements of their condition and affairs to the insurance department, in the same manner and in the same form, without erasure or addition, (except necessary explanation,) and subject to the same liabilities as similar companies or associations organized under the laws of this state.

SECTION 3. In case of neglect or refusal to make such annual statements, as provided in the preceding section, all persons acting in this state as agents, or otherwise, in transacting the business of insurance for said companies, associations, partnerships, firms or individuals, shall be subject to the same penalties provided by law in case of the failure of any insurance company or association, organized under the laws of this state, to make an annual statement as now required by law.

SECTION 4. Any violation of the provisions of this act shall subject the party guilty of such violation to a penalty of five hundred dollars for each violation, to be sued for and recovered in the manner provided for the prosecution and recovery of penalties prescribed by the insurance laws of this state.

SECTION 5. No corporation, association, partnership or individual doing business in this Commonwealth, under any charter, compact or agreement involving an insurance, guaranty, contract or pledge for the payment of annuities or endowments, or for the payment of moneys to the families or representatives of policy or certificate holders or members, shall make such insurance, guaranty or contract therein or with any residents of this state, except in accordance with and under the conditions and restrictions of the statutes now or hereafter regulating the business of life insurance: *provided*, that nothing in this section shall be held to conflict with the provisions of chapter one hundred and eighty-six of the acts of eighteen hundred and sixty-one.

SECTION 6. Section sixty of chapter fifty-eight of the General Statutes is hereby so amended that the annual dividends therein authorized to be paid to stockholders shall not exceed eight per cent.

Amendment to
G. S. 58, § 60.

SECTION 7. All members of mutual life and fire insurance companies, incorporated under the laws of this Commonwealth, shall be notified of the time and place of holding the annual meetings of said companies by a written notice or by an imprint upon the back of each policy, receipt or certificate of renewal, in the following form, to wit: "By virtue of this policy the assured is hereby notified that he is a member of the Insurance Company, and that the annual meetings of said company are holden at its home office on the day of in each year, at o'clock, ." The blanks shall be duly filled in making the aforesaid imprint, and the same shall be deemed a sufficient notice as herein provided.

Notice of annual meetings of mutual insurance companies.

SECTION 8. For each certificate of the valuation of the outstanding policies of any insurance company doing business in this Commonwealth, there shall be paid the sum of two dollars, to be collected by the insurance commissioner and paid into the treasury.

Fee for certificate of valuation of policies to be paid into treasury.

Approved June 13, 1870.

AN ACT IN RELATION TO THE DISTRIBUTION OF THE SCHOOL FUND
FOR INDIANS.

Chap. 350

Be it enacted, &c., as follows:

SECTION 1. The distribution of the school fund for Indians derived from the surplus revenue of the United States, is hereby made to the following named towns, to wit: to the town of Mashpee, one thousand dollars; to the town of Gay Head, six hundred dollars; to the town of Edgartown, three hundred dollars; to the town of Tisbury, three hundred dollars; to the town of Sandwich, one hundred and fifty dollars; and to the town of Plymouth, one hundred and fifty dollars; and any undivided income of said fund shall be paid over to said towns in the proportions aforesaid.

Distribution of Indian school fund.

Said towns shall severally apply the money so received at their discretion for the benefit of that portion of their inhabitants formerly called Indians.

SECTION 2. The school-houses heretofore erected by the Commonwealth upon Indian lands shall hereafter belong to, and be held by the towns within the limits of which they are severally situated.

School-houses to belong to towns within which they are situated.

SECTION 3. The fifth and sixth sections of the thirty-sixth chapter of the General Statutes are hereby repealed.

Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved June 13, 1870.

Chap. 351 AN ACT TO ESTABLISH A LAW AND JURY TERM OF THE SUPREME JUDICIAL COURT AT SALEM.*Be it enacted, &c., as follows :*

Term of S. J. C.
to be held in
Salem, first
Tuesday of
November.

SECTION 1. A term of the supreme judicial court, for entering and hearing questions of law, civil and criminal, and for the trial of jury causes, arising in the county of Essex, shall be held at Salem, annually, on the first Tuesday of November.

Repeal.

SECTION 2. Chapter one hundred and sixty-eight of the acts of the year eighteen hundred and sixty-eight is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved June 13, 1870.

Chap. 352 AN ACT IN ADDITION TO AN ACT INCORPORATING THE TOWN OF HYDE PARK, RELATING TO STATE AND COUNTY TAXES.*Be it enacted, &c., as follows :*

State and county taxes, how to be paid by Hyde Park.

SECTION 1. Until the next general valuation of estates in this Commonwealth, that portion of any state tax to be paid by the town of Hyde Park to the town of Dorchester, under the provisions of section two of chapter one hundred and thirty-nine of the acts of the year eighteen hundred and sixty-eight, shall be paid to the city of Boston, and a sum equal to that portion of any county tax to be paid by said town of Hyde Park to said town of Dorchester, by the provisions of the same section of said act, shall be paid to the county of Norfolk.

SECTION 2. This act shall take effect upon its passage.

Approved June 13, 1870.

Chap. 353 AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWENTY-FOUR OF THE ACTS OF EIGHTEEN HUNDRED AND SEVENTY, AS FAR AS SAID ACT RELATES TO GAS-LIGHT COMPANIES.*Be it enacted, &c., as follows :*

Repeal of 1870,
224, § 55.

SECTION 1. Section fifty-five of chapter two hundred and twenty-four of the acts of eighteen hundred and seventy is hereby repealed.

Amendment to
1870, 224, § 56.

SECTION 2. Section fifty-six of said chapter is hereby amended by striking out "such," in the first line, and inserting "gas-light."

SECTION 3. This act shall take effect upon its passage.

Approved June 13, 1870.

Chap. 354 AN ACT TO AUTHORIZE THE SPRINGFIELD HOME FOR FRIENDLESS WOMEN AND CHILDREN TO HOLD ADDITIONAL REAL ESTATE.*Be it enacted, &c., as follows :*

\$50,000 additional real estate.

SECTION 1. The Springfield Home for Friendless Women and Children in the city of Springfield, is hereby authorized to hold, by purchase or otherwise, real estate to the amount

of fifty thousand dollars in addition to the amount authorized by chapter one hundred and sixty-six of the acts of the year eighteen hundred and sixty-five, and for the purposes named in said chapter.

SECTION 2. This act shall take effect upon its passage.

Approved June 13, 1870.

AN ACT TO INCORPORATE THE TURNER'S FALLS BRIDGE COMPANY
Be it enacted, &c., as follows :

Chap. 355

SECTION 1. Timothy M. Stoughton, Nathaniel Holmes, David A. Wood, Amos E. Perry, Leonard Barton, Roswell Field, Silas N. Brooks, Lyman Barton, Peleg Adams, Ezra O. Purple, their associates and successors, are hereby made a corporation by the name of the Turner's Falls Bridge Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws relative to such corporations.

Corporators.

Name.

Powers and duties.

SECTION 2. The said corporation is hereby authorized, and empowered to construct a bridge over the Connecticut River, between the towns of Gill and Montague, between the dam of the Turner's Falls Company and the mouth of Fall River, and to take and hold, by purchase or otherwise, such real estate as may be necessary or convenient for the purposes aforesaid. Said corporation shall be liable to pay all damages sustained by any persons in their property by the taking of such real estate; and if any person who shall sustain damages as aforesaid cannot agree with said corporation upon the amount of said damages, the same shall be ascertained, determined and recovered in the manner now provided by law in case of land taken for highways.

May construct bridge over Connecticut River between Gill and Montague.

Damages to be determined as in case of land taken for highways.

SECTION 3. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, and its whole capital stock shall not exceed one hundred thousand dollars, which shall be divided into shares of one hundred dollars each; and no pecuniary liability shall be assumed by said corporation until one-quarter part of its capital stock has actually been paid in in cash.

Real and personal estate.

Capital stock and shares.

SECTION 4. Said bridge shall be well built of substantial materials, and shall be at least twenty-six feet in width and floored with plank, with sufficient railings on each side, and shall be kept in good, safe and passable repair at all times; and should any railroad corporation hereafter acquire the right to construct a bridge between the points named in the first section of this act, they may, in lieu thereof, take and hold the bridge and other property of the Turner's Falls Bridge Company, or may purchase the right of crossing on

Bridge to be at least twenty-six feet wide;

—may be taken and used by any railroad company if they acquire the right to build a bridge.

Terms upon which bridge may be used to be fixed by commissioners to be appointed by governor and council.

Proviso.

the top of the same, at the option of said railroad company. In either event, the amount to be paid to said Turner's Falls Bridge Company, and the terms and conditions under which the same may be enjoyed and used, shall be adjudicated and estimated by three disinterested persons, to be appointed by the governor and council for that purpose, whose award, being reported to and confirmed by the governor and council, shall be final: *provided*, that whenever such railroad company shall have acquired said bridge, it shall have all the rights and privileges, and be subject to all the duties, liabilities and restrictions of said Turner's Falls Bridge Company, so far as relates to that part of the bridge which is used for the purpose of ordinary travel.

Bridge, &c., may be laid out as public highway by authority of legislature.

SECTION 5. The legislature may at any time authorize and direct the county commissioners of the county of Franklin, to lay out as, and for a public highway, the bridge, abutments and ways belonging to the said Turner's Falls Bridge Company, and make said bridge free, upon such terms and conditions as may be deemed just and proper.

Rates of toll.

SECTION 6. A toll is hereby established and granted to said Turner's Falls Bridge Company, at the following rates, viz.: for each horse and rider, eight cents; for all carriages drawn by one horse, twelve cents; for all sleighs drawn by one horse, ten cents; for each stage-coach drawn by four horses, twenty-five cents; for each pleasure carriage drawn by two horses, twenty-five cents; for each wagon or sleigh drawn by two oxen, twenty cents; if drawn by four oxen, twenty-five cents; for foot passengers, two cents; for neat cattle, horses, and mules, three cents each; for swine and sheep one cent each—and one person and no more to each carriage of burden shall pass free of toll.

Tolls to continue for fifty years.

SECTION 7. The said tolls shall commence on the day of opening said bridge for public use, and shall continue for fifty years, and at the place of receiving said toll there shall be constantly exposed to view, a sign-board with the rates of toll fairly and legibly printed thereon.

Rates of toll may be commuted or package tickets sold at reduced rates.

SECTION 8. The Turner's Falls Bridge Company may, if it see cause, commute the rates of toll established by the sixth section of this act, with any person or persons by taking a less sum, payable at any stated period instead of the tolls aforesaid, or by taking of all persons less rates of toll than are above specified, or by the sale of package tickets at reduced rates: *provided*, that said Turner's Falls Bridge Company shall not receive any lower rates of toll than now are or may be hereafter received by the Connecticut River

Proviso.

Bridge Company at their bridge between Montague and Deerfield, or without the consent of said Connecticut River Bridge Company, or its legal representatives.

SECTION 9. The said corporation within three years after the opening of said bridge, shall cause a true account of the expense of building the same, and also at the end of every three years thereafter a true account of all receipts and disbursements on account of the same, to be returned into the office of the secretary of the Commonwealth.

Account of cost of bridge to be returned to secretary of Commonwealth within three years.

SECTION 10. The legislature may at any time hereafter regulate the tolls on said bridge, as it may deem expedient: *provided, however*, that the tolls of the Turner's Falls Bridge Company and of the Connecticut River Bridge Company shall always be established at a uniform rate.

Legislature may regulate tolls.

Proviso.

SECTION 11. If said corporation shall neglect for five years from the passage of this act to build and finish said bridge, this act shall be void.

Bridge to be built within five years.

SECTION 12. This act shall not take effect until the county commissioners of Franklin county shall determine that the construction of this bridge will in no way interfere with the laying out and constructing a free bridge petitioned for by John Russell and others, which petition is now pending before said commissioners. Said determination or decision shall be in writing and signed by a major part of the commissioners and recorded in the office of the clerk of the supreme judicial court for the county of Franklin.

When act shall take effect.

Approved June 13, 1870.

AN ACT TO AUTHORIZE ABRAHAM DAY AND OTHERS TO CONSTRUCT
A RAILROAD IN ROCKPORT.

Chap. 356

Be it enacted, &c., as follows:

SECTION 1. License is hereby given to Abraham Day, Nathaniel Webster, their associates and assigns, to locate, construct and operate a railroad commencing at some convenient point near the dwelling-house on the Beaver Dam Farm, so called, in Rockport, adjoining the Rockport Railroad, and thence running through land of said Abraham Day and Nathaniel Webster across the highway to the western shore of Cape Pond, in said Rockport: *provided*, that the motive power to be used, and the rate of speed to be run in the operation thereof, shall at all times be subject to the direction and control of the selectmen of the town of Rockport; and in case of a failure or neglect to comply with the lawful directions of said selectmen, the said selectmen or a majority of them, may, after such failure or neglect shall

May construct and operate railroad in Rockport.

Proviso.

Proviso.

have continued thirty days, remove that portion of said railroad located across said highway; and *provided, further*, that this license may be revoked at any time.

SECTION 2. This act shall take effect upon its passage.

Approved June 13, 1870.

Chap. 357 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE NEWBURYPORT CITY RAILROAD COMPANY.

Be it enacted, §c., as follows:

Amendment to
1869, 398, § 2.

SECTION 1. Section two of chapter three hundred and ninety-eight of the acts of the year eighteen hundred and sixty-nine is hereby amended by inserting after the words "limits of" where they first occur in said section, the word "Salisbury;" section three of said act is hereby amended by inserting after the words "Eastern Railroad" the words "or both;" and section four of said act is hereby amended by inserting after the words "Boston and Maine Railroad Company" the words "or to said companies jointly," and by adding at the end thereof the words "or to contract with any responsible parties for the operation of its road, but such contract shall not operate or be construed to exempt or relieve said Newburyport City Railroad Company from any duties, liabilities or restrictions to which said company now is or hereafter may be subject by law."

SECTION 2. This act shall take effect upon its passage.

Approved June 13, 1870.

Chap. 358 AN ACT TO INCORPORATE THE LYNN MECHANIC'S BUILDING ASSOCIATION.

Be it enacted, §c., as follows:

Corporators.

Name and purpose.

Powers and duties.

Capital stock and shares.

SECTION 1. Benjamin K. Prentiss, Nathan M. Hawkes, Edwin Patch, their associates and successors, are hereby made a corporation under the name of the Lynn Mechanic's Building Association, during the term of fifteen years from and after the passage of this act, for the purpose of managing and administering the funds belonging to said association, and of holding and conveying real estate in Lynn, and of building upon, improving and altering the same; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

SECTION 2. The capital stock of said corporation shall be divided into shares of fifty dollars each; and said corporation may hold real and personal estate to an amount not exceeding one hundred thousand dollars. Said corporation shall not go into operation or incur any liability until the

sum of eight thousand dollars shall have been paid in in cash.

SECTION 3. This act shall take effect upon its passage.

Approved June 15, 1870.

AN ACT RELATING TO THE STATE VISITING AGENCY AND JUVENILE OFFENDERS.

Chap. 359

Be it enacted, &c., as follows :

SECTION 1. The governor, with the advice and consent of the council, shall appoint a visiting agent of the board of state charities, who shall hold his office for three years, unless sooner removed, and who shall receive an annual salary of twenty-five hundred dollars, and may employ such assistants and incur such expenses as said board may approve.

Visiting agent
board of state
charities, term
of office, salary,
&c.;

SECTION 2. Said agent or his assistant shall as often as once a year, visit by himself or an assistant all children maintained wholly or in part by the state, or who have been indentured or placed in charge of a person by any state institution, board, or officer of the Commonwealth, or under any provision of this act. He shall inquire into the condition of such children and make such other investigations in relation thereto as said board of state charities may prescribe. And for the purpose aforesaid, said agent or his assistant may have private interviews with such children at any time.

—to visit annually all children indentured by the state;

SECTION 3. When said agent is of opinion that a child so indentured or placed in charge of a person cannot, with advantage to the child, be longer so held, he shall report the facts to the institution, board, or officer, by which such child was indentured, and said institution, board or officer may cancel the indenture or contract, by giving notice as provided in section one, chapter three hundred and two, acts of eighteen hundred and sixty-nine, and return such child to the institution from which indentured or taken ; or, on application of such institution, board or officer, the board of state charities may transfer him or her to any other institution maintained by the Commonwealth for the support or reformation of children, or indenture him or her to some other person, or otherwise provide for his or her maintenance during minority, or for a less time. The cancellation of the indenture or contract shall not operate as a discharge of the minor under any sentence or order of commitment.

—to report facts if in his opinion children ought not to remain indentured;

SECTION 4. No child shall be indentured, adopted or taken in charge of any person from a state institution until notice of an application therefor has been given to said agent, and his report, in writing, made after investigation

—to be notified before child is taken from any state institution, and to report to board if

child is disposed of contrary to his recommendation;

into the propriety thereof, is filed with such institution. And all applications for the release or discharge of any children so indentured or placed in charge of persons, shall be given to said agent for his report, in like manner. And if any child is disposed of contrary to his report and recommendation, he shall report all the facts in the case to the board of state charities for its action.

—to seek out suitable persons to adopt, &c., children committed to state institutions;

SECTION 5. Said agent shall seek out suitable persons who are willing to adopt, take charge of, educate and maintain children arrested for offences, committed to any state institution, abandoned or neglected, and give notice thereof to the institutions, boards, officers or persons having authority so to dispose of said children; and he shall from time to time make report to said board of state charities of his doings under this act.

—to appoint person to perform his duties in relation to industrial school for girls.

SECTION 6. The duties of said agent as declared in section two of this act in relation to girls indentured, adopted or taken from the state industrial school for girls, shall be performed by a person or persons appointed by said agent, with the approval of the trustees of said school and paid out of the appropriation for said school.

Children under sixteen years to be tried by judge of probate except for offences punishable by imprisonment for life, &c.

SECTION 7. When a boy or girl, except in the county of Suffolk, is brought before a trial justice, police or municipal court, on complaint for any offence not punishable by imprisonment for life, except for an offence against a town or city by-law or ordinance, and, in said county of Suffolk, is so brought for any offence first described, but not now within the final jurisdiction of any police or municipal court therein, and it appears at or before the trial, that such boy or girl is under the age of sixteen years, the justice or court shall make an endorsement of the fact upon the original warrant, and the officer who served said warrant, or any other officer qualified to serve the same, shall take said boy or girl with said warrant and the complaint before the judge of the probate court, who shall have jurisdiction thereof in like manner as if originally brought before him. And in the county of Suffolk, all boys and girls under sixteen years of age, complained of for any offence before any police or municipal court, shall have the complaints against them heard and determined, by themselves, separate from the general and ordinary criminal business of said courts: in all such cases, the notice provided in section eight shall be given to the visiting agent, and they may be disposed of by the judge of said court in the manner provided in section ten, if deemed expedient.

Proceedings in Suffolk County.

SECTION 8. When a complaint against any boy or girl for any offence is made or pending before a judge of the probate court or a commissioner, notice in writing thereof shall be given to said agent, who, by himself or an assistant shall have an opportunity to investigate the case, attend the trial and protect the interest of, or otherwise provide for such child. Said notice may be sent by mail to said agent or he may waive the same or the service thereof.

Agent to be notified when a complaint is made.

Notice may be sent by mail.

SECTION 9. A child arrested on any complaint referred to in the preceding sections may be held or committed to jail by the officer having said child in custody until the time appointed for the trial, unless admitted to bail as provided in section thirty-six, chapter one hundred and seventy of the General Statutes, and the judge of the probate court, as well as the magistrate named in said section, may admit to bail.

Child arrested may be committed to jail, until time of trial.

SECTION 10. The judge of the probate court or commissioner, before whom a child is brought on any complaint aforesaid, upon request of said agent may authorize the board of state charities to take and indenture, or place in charge of any person or in the state primary school, such child till he or she attains the age of twenty-one years, or for any less time. And said board may provide for the maintenance of any such child so indentured or placed in charge of a person, in whole or in part, at a cost to the state not exceeding the average cost of the support of children at the state primary school.

Judge may authorize board to indenture child upon request of agent.

SECTION 11. When a boy is convicted by a judge of the probate court of any offence, unless disposed of as provided in section ten, he may be sentenced and committed to any institution established by authority of the laws of the Commonwealth for the reformation of juvenile offenders; or, if below the age of twelve years, to the state reform school; if above the age of fourteen years, to the Massachusetts nautical school; and if between those ages, to either of said schools, in like manner and subject to the same provisions of law as now apply to boys committed to said schools or institutions respectively, or in the discretion of the judge, to such other punishment as is provided for the offence.

Disposition of boy, if convicted.

SECTION 12. When a girl is convicted by a judge of the probate court of any offence, unless disposed of as provided in section ten, she may be sentenced and committed to the state industrial school for girls, in like manner and subject to the same provisions of law as now apply to girls committed to said school, or, in the discretion of the judge, to such other punishment as is provided for the offence.

Disposition of girl, if convicted.

Judges of probate may receive complaints, issue warrants, &c., in any county.

SECTION 13. Judges of the probate courts may receive complaints, issue warrants and hear cases against juvenile offenders referred to in this act, at such times or places, in or out of their respective counties as convenience may require. And any judge of a probate court may act in any case for the judge of any other county, whether absent or not, when so requested.

Massachusetts Nautical School.

SECTION 14. The nautical branch of the State reform school shall hereafter be called the Massachusetts Nautical School, and its trustees shall have and exercise the same rights to indenture boys committed to it as are vested in the trustees of the State reform school.

Cases under laws of pauper settlement not affected.

SECTION 15. This act shall not prevent the board of state charities from disposing of any cases under the laws of pauper settlement, or the removal from the state of persons chargeable elsewhere.

Repeal.

SECTION 16. Section nine of chapter seventy-five, and section twenty-one of chapter seventy-six of the General Statutes, except as to said county of Suffolk, and so much of chapter four hundred and fifty-three of the acts of eighteen hundred and sixty-nine as is inconsistent with the provisions of this act are hereby repealed, saving all acts done and all proceedings commenced under the same.

SECTION 17. This act shall take effect upon its passage.

Approved June 15, 1870.

Chap. 360 AN ACT TO AMEND AN ACT FOR ENCOURAGING THE CULTIVATION OF USEFUL FISHES.

Be it enacted, &c., as follows :

Commissioners not to lease pond exceeding twenty acres in area.

SECTION 1. Section nine of chapter three hundred and eighty-four of the acts of the year eighteen hundred and sixty-nine is hereby so amended that the commissioners on inland fisheries shall have no authority to lease any great pond exceeding twenty acres in area situated within the limits of Dukes County.

SECTION 2. This act shall take effect upon its passage.

Approved June 15, 1870.

Chap. 361 AN ACT TO INCREASE THE SALARY OF THE DISTRICT-ATTORNEY FOR THE SUFFOLK DISTRICT.

Be it enacted, &c., as follows :

Salary of district-attorney, five thousand dollars.

SECTION 1. The annual salary of the district-attorney for the Suffolk district shall hereafter be five thousand dollars, to be paid out of the treasury, in monthly payments, and in that proportion for any part of a year, and from the first day of January last.

SECTION 2. The assistant district-attorney for the district of Suffolk shall hereafter be appointed by the district-attorney for said district, and removable at his pleasure. District-attorney to appoint his assistant.*

SECTION 3. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved June 15, 1870.

AN ACT CONCERNING THE MASSACHUSETTS CENTRAL RAILROAD COMPANY.

Chap. 362

Be it enacted, &c., as follows :

SECTION 1. The Massachusetts Central Railroad Company is hereby authorized to issue bonds in sums of not less than one hundred dollars each, payable at periods not exceeding twenty years from the date thereof, and bearing interest not exceeding seven per cent. a year, payable annually or semi-annually, to an amount not exceeding the capital stock actually paid in to the treasury of said company, and may mortgage its railroad or any hereinafter described section or sections thereof, together with its property, rights and franchise to secure the payment of such bonds. May issue bonds bearing seven per cent. interest, and mortgage road as security.

SECTION 2. Said company is hereby authorized by vote of its directors to reduce its capital stock to a sum not less than two million dollars. May reduce capital stock.

SECTION 3. Said company is hereby authorized as aforesaid, for the purpose of construction, to divide its railroad into four sections, as follows, to wit: the first section to embrace that portion from its connection with the Fitchburg Railroad to its most westerly intersection with the Worcester and Nashua, or Boston, Clinton and Fitchburg Railroad; the second section to embrace that portion from said intersection with the Worcester and Nashua or Boston, Clinton and Fitchburg Railroad to some point in Barre; the third section to embrace that portion from such point in Barre to its intersection with the New London Northern Railroad in Belchertown; the fourth section to embrace that portion from such intersection with the New London Northern Railroad to some point in Williamsburg. Said company is hereby authorized to receive subscriptions for the construction of each of said sections separately; and when the sum of four hundred thousand dollars shall have been subscribed for said first section said company may proceed to build the same; when the sum of seven hundred thousand dollars shall have been subscribed for said second section said company may proceed to build the same; when the sum of four hundred thousand dollars shall have been subscribed for said third section said company may proceed to build the same; and May divide road into four sections for purpose of construction.

May receive subscriptions for construction of sections separately.

Provisos.

when the sum of five hundred thousand dollars shall have been subscribed for said fourth section said company may proceed to build the same: *provided*, that before either of said sections shall be commenced a certificate shall be filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president and a majority of the directors of said company, stating that all the stock named above for the section they purpose to build has been subscribed by responsible parties, and that twenty per centum of the par value of each and every share thereof has been actually paid into the treasury of said company; and *provided, further*, that the said first section shall not be commenced until said second section shall have been completed.

If party subscribing for stock makes request in writing, &c., his subscription shall be applied to such section as he desires.

SECTION 4. Any party having made or hereafter making a subscription for the capital stock of said company is hereby authorized to enter upon the subscription book of said company in writing, a request that such subscription shall be applied to either of said sections, and upon the consent of the directors of said company such subscription shall be applied as thus requested, and shall be treated in all respects in the same manner as if it had been originally made for the construction of said section as provided by this act.

SECTION 5. This act shall take effect upon its acceptance by said company.

Approved June 15, 1870.

Chap. 363

AN ACT TO AUTHORIZE ALBERT T. STEARNS TO BUILD AND EXTEND HIS WHARVES IN BOSTON.

Be it enacted, §c., as follows:

May build wharves on Neponset River at Port Norfolk in Boston.

SECTION 1. Albert T. Stearns is hereby authorized to build and extend a wharf or wharves on Neponset River, at Port Norfolk, in the city of Boston, from the lot of land recently purchased by him, south-easterly, towards the harbor line now established, and to such line, within said harbor line, as may be directed by the harbor commissioners. Said wharves are to be built and extended between the wharves which said Stearns was authorized to extend, by chapter two hundred and forty-seven, of the acts of the year eighteen hundred and sixty-seven, and the wharf now owned or occupied by Laban Pratt: *provided*, that all things done under this act shall be subject to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and sections one, two and three of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved June 15, 1870.

AN ACT TO APPORTION AND ASSESS A STATE TAX OF TWO MILLION
FIVE HUNDRED THOUSAND DOLLARS. *Chap. 364*

Be it enacted, &c., as follows :

SECTION 1. Each town and city in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule, that is to say :—

SUFFOLK COUNTY.

Counties :
Suffolk.

Boston, . . .	Nine hundred and thirty-three thousand seven hundred and seventy-five dollars, . . .	\$933,775 00
Chelsea, . . .	Twenty thousand one hundred and twenty-five dollars, . . .	20,125 00
North Chelsea, . .	Two thousand one hundred dollars, .	2,100 00
Winthrop, . . .	One thousand one hundred and twenty-five dollars, . . .	1,125 00
		<hr/> \$957,125 00

ESSEX COUNTY.

Essex.

Amesbury, . . .	Four thousand eight hundred and fifty dollars, . . .	\$4,850 00
Andover, . . .	Seven thousand one hundred and twenty-five dollars, . . .	7,125 00
Beverly, . . .	Nine thousand one hundred and seventy-five dollars, . . .	9,175 00
Boxford, . . .	One thousand six hundred and twenty-five dollars, . . .	1,625 00
Bradford, . . .	Two thousand two hundred and seventy-five dollars, . . .	2,275 00
Danvers, . . .	Six thousand and seventy-five dollars, .	6,075 00
Essex, . . .	Two thousand five hundred dollars, .	2,500 00
Georgetown, . . .	Two thousand two hundred and twenty-five dollars, . . .	2,225 00
Gloucester, . . .	Twelve thousand seven hundred and twenty-five dollars, . . .	12,725 00
Groveland, . . .	One thousand nine hundred and twenty-five dollars, . . .	1,925 00
Hamilton, . . .	One thousand two hundred and fifty dollars, . . .	1,250 00
Haverhill, . . .	Twelve thousand eight hundred and twenty-five dollars, . . .	12,825 00
Ipswich, . . .	Four thousand one hundred and seventy-five dollars, . . .	4,175 00
Lawrence, . . .	Twenty-eight thousand five hundred and fifty dollars, . . .	28,550 00

Essex County—Concluded.

Lynn, . . .	Twenty-six thousand and fifty dollars,	\$26,050 00
Lynnfield, . . .	One thousand five hundred and fifty-dollars,	1,550 00
Manchester, . . .	Two thousand one hundred and twenty-five dollars,	2,125 00
Marblehead, . . .	Six thousand nine hundred and fifty dollars,	6,950 00
Methuen, . . .	Three thousand five hundred and fifty dollars,	3,550 00
Middleton, . . .	One thousand and fifty dollars,	1,050 00
Nahant, . . .	One thousand two hundred dollars,	1,200 00
Newbury, . . .	Two thousand dollars,	2,000 00
Newburyport, . . .	Nineteen thousand five hundred dollars,	19,500 00
North Andover, . . .	Four thousand seven hundred dollars,	4,700 00
Peabody, . . .	Nine thousand nine hundred and twenty-five dollars,	9,925 00
Rockport, . . .	Three thousand seven hundred dollars,	3,700 00
Rowley, . . .	One thousand four hundred and fifty dollars,	1,450 00
Salem, . . .	Thirty-nine thousand nine hundred and twenty-five dollars,	39,925 00
Salisbury, . . .	Four thousand five hundred and seventy-five dollars,	4,575 00
Saugus, . . .	Three thousand three hundred and twenty-five dollars,	3,325 00
Swampscott, . . .	Three thousand five hundred and fifty dollars,	3,550 00
Topsfield, . . .	One thousand eight hundred and twenty-five dollars,	1,825 00
Wenham, . . .	One thousand two hundred and fifty dollars,	1,250 00
West Newbury, . . .	Two thousand six hundred and twenty-five dollars,	2,625 00
		<hr/> \$238,125 00

Middlesex.

MIDDLESEX COUNTY.

Acton, . . .	Two thousand three hundred dollars,	\$2,300 00
Arlington, . . .	Six thousand nine hundred and twenty-five dollars,	6,925 00
Ashby, . . .	One thousand four hundred and fifty dollars,	1,450 00

Middlesex County—Continued.

Ashland, . . .	One thousand nine hundred dollars, . . .	\$1,900 00
Bedford, . . .	One thousand three hundred dollars, . . .	1,300 00
Belmont, . . .	Seven thousand nine hundred and twenty-five dollars,	7,925 00
Billerica, . . .	Two thousand eight hundred and twenty-five dollars,	2,825 00
Boxborough, . . .	Six hundred and fifty dollars,	650 00
Brighton, . . .	Nine thousand two hundred and fifty dollars,	9,250 00
Burlington, . . .	One thousand one hundred and seventy-five dollars,	1,175 00
Cambridge, . . .	Sixty-three thousand and twenty-five dollars,	63,025 00
Carlisle, . . .	Nine hundred and fifty dollars,	950 00
Charlestown, . . .	Forty-six thousand two hundred dollars,	46,200 00
Chelmsford, . . .	Three thousand nine hundred and fifty dollars,	3,950 00
Concord, . . .	Four thousand one hundred and seventy-five dollars,	4,175 00
Dracut, . . .	Three thousand dollars,	3,000 00
Dunstable, . . .	One thousand dollars,	1,000 00
Framingham, . . .	Seven thousand two hundred and fifty dollars,	7,250 00
Groton, . . .	Four thousand two hundred and fifty dollars,	4,250 00
Holliston, . . .	Four thousand two hundred and twenty-five dollars,	4,225 00
Hopkinton, . . .	Four thousand five hundred and seventy-five dollars,	4,575 00
Lexington, . . .	Four thousand four hundred and twenty-five dollars,	4,425 00
Lincoln, . . .	One thousand five hundred and fifty dollars,	1,550 00
Littleton, . . .	One thousand six hundred and fifty dollars,	1,650 00
Lowell, . . .	Fifty-one thousand eight hundred and fifty dollars,	51,850 00
Malden, . . .	Ten thousand six hundred and fifty dollars,	10,650 00
Marlborough, . . .	Seven thousand six hundred and fifty dollars,	7,650 00
Medford, . . .	Thirteen thousand two hundred and seventy-five dollars,	13,275 00
Melrose, . . .	Four thousand four hundred and seventy-five dollars,	4,475 00

Middlesex County—Concluded.

Natick, . . .	Five thousand three hundred and seventy-five dollars,	\$5,375 00
Newton, . . .	Twenty-three thousand four hundred and twenty-five dollars,	23,425 00
North Reading, .	One thousand six hundred dollars,	1,600 00
Pepperell, . . .	Two thousand five hundred and twenty-five dollars,	2,525 00
Reading, . . .	Three thousand five hundred dollars,	3,500 00
Sherborn, . . .	Two thousand two hundred dollars,	2,200 00
Shirley, . . .	One thousand eight hundred and twenty-five dollars,	1,825 00
Somerville, . .	Fourteen thousand four hundred dollars,	14,400 00
Stoneham, . . .	Three thousand nine hundred and twenty-five dollars,	3,925 00
Stow,	Two thousand one hundred dollars,	2,100 00
Sudbury, . . .	Two thousand seven hundred and fifty dollars,	2,750 00
Tewksbury, . .	One thousand nine hundred and fifty dollars,	1,950 00
Townsend, . . .	Two thousand two hundred and twenty-five dollars,	2,225 00
Tyngsborough, .	Nine hundred and twenty-five dollars,	925 00
Wakefield, . . .	Four thousand seven hundred dollars,	4,700 00
Waltham, . . .	Thirteen thousand five hundred and seventy-five dollars,	13,575 00
Watertown, . .	Six thousand nine hundred and seventy-five dollars,	6,975 00
Wayland, . . .	One thousand seven hundred and fifty dollars,	1,750 00
Westford, . . .	Two thousand five hundred dollars,	2,500 00
Weston,	Two thousand seven hundred and twenty-five dollars,	2,725 00
Wilmington, . .	One thousand four hundred and seventy-five dollars,	1,475 00
Winchester, . .	Three thousand six hundred and fifty dollars,	3,650 00
Woburn,	Thirteen thousand one hundred and twenty-five dollars,	13,125 00
		<hr/> \$393,025 00

WORCESTER COUNTY.

Worcester.

Ashburnham, . .	Two thousand three hundred and fifty dollars,	\$2,350 00
Athol,	Three thousand two hundred and seventy-five dollars,	3,275 00
Auburn,	One thousand three hundred and fifty dollars,	1,350 00
Barre,	Four thousand seven hundred and twenty-five dollars,	4,725 00
Berlin,	One thousand one hundred and seventy-five dollars,	1,175 00
Blackstone, . .	Five thousand seven hundred and seventy-five dollars,	5,775 00
Bolton,	One thousand eight hundred and twenty-five dollars,	1,825 00
Boylston,	One thousand two hundred and fifty dollars,	1,250 00
Brookfield, . .	Two thousand eight hundred dollars,	2,800 00
Charlton,	Two thousand five hundred and twenty-five dollars,	2,525 00
Clinton,	Five thousand two hundred and fifty dollars,	5,250 00
Dana,	Seven hundred and fifty dollars,	750 00
Douglas,	Two thousand five hundred and twenty-five dollars,	2,525 00
Dudley,	One thousand nine hundred and fifty dollars,	1,950 00
Fitchburg, . . .	Eleven thousand four hundred and fifty dollars,	11,450 00
Gardner,	Two thousand seven hundred and twenty-five dollars,	2,725 00
Grafton,	Four thousand nine hundred and seventy-five dollars,	4,975 00
Hardwick,	Two thousand eight hundred and seventy-five dollars,	2,875 00
Harvard,	Two thousand four hundred and seventy-five dollars,	2,475 00
Holden,	Two thousand three hundred and fifty dollars,	2,350 00
Hubbardston, . .	Two thousand and twenty-five dollars,	2,025 00
Lancaster, . . .	Two thousand six hundred and twenty-five dollars,	2,625 00
Leicester,	Four thousand two hundred and fifty dollars,	4,250 00
Leominster, . . .	Five thousand one hundred and seventy-five dollars,	5,175 00
Lunenburg, . . .	One thousand nine hundred and twenty-five dollars,	1,925 00
Mendon,	One thousand eight hundred dollars,	1,800 00

Worcester County—Continued.

Milford, . . .	Ten thousand one hundred and fifty dollars, . . .	\$10,150 00
Millbury, . . .	Three thousand nine hundred and seventy-five dollars, . . .	3,975 00
New Braintree, . . .	One thousand four hundred and twenty-five dollars, . . .	1,425 00
Northborough, . . .	Two thousand three hundred and twenty-five dollars, . . .	2,325 00
Northbridge, . . .	Three thousand one hundred and twenty-five dollars, . . .	3,125 00
North Brookfield, . . .	Two thousand nine hundred and fifty dollars, . . .	2,950 00
Oakham, . . .	Nine hundred and fifty dollars, . . .	950 00
Oxford, . . .	Three thousand two hundred and twenty-five dollars, . . .	3,225 00
Paxton, . . .	Eight hundred and fifty dollars, . . .	850 00
Petersham, . . .	One thousand eight hundred and seventy-five dollars, . . .	1,875 00
Phillipston, . . .	Nine hundred dollars, . . .	900 00
Princeton, . . .	Two thousand and fifty dollars, . . .	2,050 00
Royalston, . . .	One thousand nine hundred and fifty dollars, . . .	1,950 00
Rutland, . . .	One thousand four hundred and fifty dollars, . . .	1,450 00
Shrewsbury, . . .	Two thousand seven hundred dollars, . . .	2,700 00
Southborough, . . .	Two thousand five hundred and seventy-five dollars, . . .	2,575 00
Southbridge, . . .	Four thousand seven hundred and twenty-five dollars, . . .	4,725 00
Spencer, . . .	Three thousand nine hundred and twenty-five dollars, . . .	3,925 00
Sterling, . . .	Two thousand eight hundred and twenty-five dollars, . . .	2,825 00
Sturbridge, . . .	Two thousand four hundred and fifty dollars, . . .	2,450 00
Sutton, . . .	Three thousand one hundred dollars, . . .	3,100 00
Templeton, . . .	Two thousand and nine hundred dollars, . . .	2,900 00
Upton, . . .	Two thousand one hundred and seventy-five dollars, . . .	2,175 00
Uxbridge, . . .	Four thousand three hundred dollars, . . .	4,300 00
Warren, . . .	Two thousand eight hundred and twenty-five dollars, . . .	2,825 00
Webster, . . .	Three thousand one hundred and fifty dollars, . . .	3,150 00

Worcester County—Concluded.

Westborough, .	Three thousand seven hundred and seventy-five dollars,	\$3,775 00
West Boylston, .	Two thousand four hundred and fifty dollars,	2,450 00
West Brookfield, .	One thousand nine hundred and twenty-five dollars,	1,925 00
Westminster, .	Two thousand and twenty-five dollars,	2,025 00
Winchendon, .	Three thousand four hundred and seventy-five dollars,	3,475 00
Worcester, .	Fifty-one thousand and seventy-five dollars,	51,075 00
		<hr/> \$221,750 00

HAMPSHIRE COUNTY.

Hampshire

Amherst, . .	Four thousand eight hundred and seventy-five dollars,	\$4,875 00
Belchertown, .	Three thousand one hundred and seventy-five dollars,	3,175 00
Chesterfield, .	One thousand and seventy-five dollars,	1,075 00
Cummington, .	One thousand and twenty-five dollars,	1,025 00
Easthampton, .	Four thousand two hundred and fifty dollars,	4,250 00
Enfield, . .	One thousand six hundred dollars,	1,600 00
Goshen, . .	Four hundred and fifty dollars,	450 00
Granby, . .	One thousand three hundred dollars,	1,300 00
Greenwich, .	Seven hundred and fifty dollars,	750 00
Hadley, . .	Three thousand four hundred dollars,	3,400 00
Hatfield, . .	Three thousand five hundred and fifty dollars,	3,550 00
Huntington, .	One thousand two hundred dollars,	1,200 00
Middlefield, .	Nine hundred and seventy-five dollars,	975 00
Northampton, .	Twelve thousand three hundred dollars,	12,300 00
Pelham, . .	Six hundred and twenty-five dollars,	625 00
Plainfield, .	Seven hundred and twenty-five dollars,	725 00
Prescott, . .	Six hundred and fifty dollars,	650 00

Hampshire County—Concluded.

South Hadley, .	Two thousand nine hundred and seventy-five dollars,	\$2,975 00
Southampton, .	One thousand four hundred dollars, .	1,400 00
Ware, . . .	Three thousand seven hundred dollars,	3,700 00
Westhampton, .	Seven hundred and seventy-five dollars,	775 00
Williamsburg, .	Two thousand nine hundred and twenty-five dollars,	2,925 00
Worthington, .	One thousand one hundred and fifty dollars,	1,150 00
		<hr/> \$54,850 00

Hampden.

HAMPDEN COUNTY.

Agawam, . .	Two thousand two hundred and fifty dollars,	\$2,250 00
Blandford, . .	One thousand five hundred dollars, .	1,500 00
Brimfield, . .	One thousand nine hundred and twenty-five dollars,	1,925 00
Chester, . . .	One thousand three hundred and fifty dollars,	1,350 00
Chicopee, . .	Eight thousand nine hundred dollars, .	8,900 00
Granville, . .	One thousand five hundred and twenty-five dollars,	1,525 00
Holland, . . .	Three hundred and seventy-five dollars,	375 00
Holyoke, . . .	Six thousand nine hundred and twenty-five dollars,	6,925 00
Longmeadow, .	Two thousand six hundred and twenty-five dollars,	2,625 00
Ludlow, . . .	One thousand three hundred dollars, .	1,300 00
Monson, . . .	Three thousand five hundred and seventy-five dollars,	3,575 00
Montgomery, .	Four hundred and fifty dollars, . .	450 00
Palmer, . . .	Three thousand five hundred and seventy-five dollars,	3,575 00
Russell, . . .	Six hundred and twenty-five dollars, .	625 00
Southwick, . .	One thousand six hundred and fifty dollars,	1,650 00
Springfield, .	Thirty-five thousand six hundred and twenty-five dollars,	35,625 00
Tolland, . . .	Eight hundred dollars,	800 00

Hampden County—Concluded.

Wales, . . .	Seven hundred and twenty-five dollars,	\$725 00
Westfield, . . .	Eight thousand eight hundred dollars, .	8,800 00
West Springfield,	Three thousand four hundred and fifty dollars,	3,450 00
Wilbraham, . .	Two thousand four hundred and fifty dollars,	2,450 00
		<hr/> \$90,400 00

FRANKLIN COUNTY.

Franklin.

Ashfield, . . .	One thousand seven hundred dollars, .	\$1,700 00
Bernardston, . .	One thousand three hundred dollars, .	1,300 00
Buckland, . . .	One thousand six hundred and seven- ty-five dollars,	1,675 00
Charlemont, . .	One thousand and seventy-five dollars,	1,075 00
Colrain,	One thousand eight hundred dollars, .	1,800 00
Conway,	Two thousand dollars,	2,000 00
Deerfield, . . .	Three thousand four hundred and fifty dollars,	3,450 00
Erving,	Five hundred and twenty-five dollars, .	525 00
Gill,	One thousand and fifty dollars, . . .	1,050 00
Greenfield, . . .	Five thousand dollars,	5,000 00
Hawley,	Seven hundred and fifty dollars, . . .	750 00
Heath,	Six hundred and seventy-five dollars, .	675 00
Leverett,	Eight hundred and fifty dollars, . . .	850 00
Leyden,	Seven hundred and fifty dollars, . . .	750 00
Monroe,	Two hundred and fifty dollars,	250 00
Montague, . . .	One thousand seven hundred and fifty dollars,	1,750 00
New Salem, . .	One thousand and fifty dollars,	1,050 00
Northfield, . . .	Two thousand and twenty-five dollars,	2,025 00
Orange,	One thousand nine hundred and twenty- five dollars,	1,925 00

Franklin County—Concluded.

Rowe, . . .	Five hundred and twenty-five dollars, .	\$525 00
Shelburne, . .	Two thousand two hundred and twenty-five dollars,	2,225 00
Shutesbury, .	Six hundred and seventy-five dollars, .	675 00
Sunderland, .	One thousand one hundred and fifty dollars,	1,150 00
Warwick, . .	Eight hundred dollars,	800 00
Wendell, . .	Six hundred dollars,	600 00
Whately, . .	One thousand eight hundred dollars, .	1,800 00
		<hr/> \$37,375 00

Berkshire.

BERKSHIRE COUNTY.

Adams, . . .	Nine thousand one hundred and fifty dollars,	\$9,150 00
Alford, . . .	Eight hundred and seventy-five dollars, .	875 00
Becket, . . .	One thousand four hundred and twenty-five dollars,	1,425 00
Cheshire, . .	One thousand nine hundred and fifty dollars,	1,950 00
Clarksburg, .	Four hundred dollars,	400 00
Dalton, . . .	Two thousand four hundred dollars, .	2,400 00
Egremont, . .	One thousand five hundred and twenty-five dollars,	1,525 00
Florida, . . .	Seven hundred dollars,	700 00
Great Barrington,	Five thousand seven hundred and seventy-five dollars,	5,775 00
Hancock, . .	One thousand two hundred and fifty dollars,	1,250 00
Hinsdale, . .	Two thousand one hundred and fifty dollars,	2,150 00
Lanesborough, .	One thousand seven hundred and seventy-five dollars,	1,775 00
Lee,	Four thousand six hundred dollars, .	4,600 00
Lenox, . . .	Two thousand two hundred and fifty dollars,	2,250 00
Monterey, . .	Eight hundred and fifty dollars, . .	850 00
Mt. Washington, .	Two hundred and fifty dollars, . .	250 00
New Ashford, .	Two hundred and seventy-five dollars, .	275 00

Berkshire County—Concluded.

N. Marlborough, .	One thousand seven hundred and seventy-five dollars,	\$1,775 00
Otis,	One thousand dollars,	1,000 00
Peru,	Six hundred dollars,	600 00
Pittsfield, . .	Sixteen thousand two hundred dollars,	16,200 00
Richmond, . .	One thousand three hundred and seventy-five dollars,	1,375 00
Sandisfield, . .	One thousand seven hundred and twenty-five dollars,	1,725 00
Savoy,	Eight hundred and fifty dollars, . . .	850 00
Sheffield, . . .	Three thousand two hundred and seventy-five dollars,	3,275 00
Stockbridge, . .	Three thousand three hundred and twenty-five dollars,	3,325 00
Tyringham, . .	Eight hundred and twenty-five dollars,	825 00
Washington, . .	Eight hundred and twenty-five dollars,	825 00
W. Stockbridge, .	One thousand eight hundred dollars, .	1,800 00
Williamstown, .	Three thousand one hundred and fifty dollars,	3,150 00
Windsor, . . .	Eight hundred and seventy-five dollars,	875 00
		<hr/> \$75,200 00

N O R F O L K C O U N T Y .

Norfolk.

Bellingham, . .	One thousand three hundred and fifty dollars,	\$1,350 00
Braintree, . . .	Four thousand four hundred and seventy-five dollars,	4,475 00
Brookline, . . .	Twenty-seven thousand one hundred and twenty-five dollars,	27,125 00
Canton,	Five thousand seven hundred dollars, .	5,700 00
Cohasset, . . .	Three thousand one hundred and twenty-five dollars,	3,125 00
Dedham,	Twelve thousand four hundred dollars,	12,400 00
Dover,	Nine hundred and fifty dollars, . . .	950 00
Foxborough, . .	Three thousand five hundred and fifty dollars,	3,550 00
Franklin,	Two thousand nine hundred dollars, .	2,900 00

Norfolk County—Concluded.

Medfield, . . .	One thousand six hundred and fifty dollars, . . .	\$1,650 00
Medway, . . .	Three thousand five hundred and seventy-five dollars, . . .	3,575 00
Milton, . . .	Nine thousand nine hundred dollars, . . .	9,900 00
Needham, . . .	Four thousand six hundred and fifty dollars, . . .	4,650 00
Quincy, . . .	Nine thousand nine hundred and twenty-five dollars, . . .	9,925 00
Randolph, . . .	Seven thousand nine hundred dollars, . . .	7,900 00
Sharon, . . .	One thousand nine hundred and seventy-five dollars, . . .	1,975 00
Stoughton, . . .	Five thousand and fifty dollars, . . .	5,050 00
Walpole, . . .	Three thousand and fifty dollars, . . .	3,050 00
West Roxbury, . . .	Twenty-four thousand four hundred and seventy-five dollars, . . .	24,475 00
Weymouth, . . .	Nine thousand eight hundred and seventy-five dollars, . . .	9,875 00
Wrentham, . . .	Three thousand eight hundred and fifty dollars, . . .	3,850 00
		<hr/> \$147,450 00

Bristol.

BRISTOL COUNTY.

Acushnet, . . .	One thousand seven hundred and fifty dollars, . . .	\$1,750 00
Attleborough, . . .	Six thousand three hundred and fifty dollars, . . .	6,350 00
Berkley, . . .	Nine hundred and twenty-five dollars, . . .	925 00
Dartmouth, . . .	Six thousand and two hundred dollars, . . .	6,200 00
Dighton, . . .	Two thousand two hundred and fifty dollars, . . .	2,250 00
Easton, . . .	Five thousand and one hundred dollars, . . .	5,100 00
Fairhaven, . . .	Four thousand and six hundred dollars, . . .	4,600 00
Fall River, . . .	Thirty-two thousand and three hundred dollars, . . .	32,300 00
Freetown, . . .	One thousand nine hundred and twenty-five dollars, . . .	1,925 00
Mansfield, . . .	Two thousand two hundred and fifty dollars, . . .	2,250 00
New Bedford, . . .	Forty-nine thousand four hundred and twenty-five dollars, . . .	49,425 00

Bristol County—Concluded.

Norton, . . .	Two thousand three hundred and fifty dollars, . . .	\$2,350 00
Raynham, . . .	Two thousand eight hundred and seventy-five dollars, . . .	2,875 00
Rehoboth, . . .	Two thousand one hundred and fifty dollars, . . .	2,150 00
Seekonk, . . .	One thousand three hundred and fifty dollars, . . .	1,350 00
Somerset, . . .	Two thousand four hundred and twenty-five dollars, . . .	2,425 00
Swansey, . . .	Two thousand and fifty dollars, . . .	2,050 00
Taunton, . . .	Twenty-two thousand one hundred and twenty-five dollars, . . .	22,125 00
Westport, . . .	Three thousand nine hundred and seventy-five dollars, . . .	3,975 00
		<hr/> \$152,375 00

PLYMOUTH COUNTY.

Plymouth.

Abington, . . .	Nine thousand two hundred and seventy-five dollars, . . .	\$9,275 00
Bridgewater, . . .	Five thousand four hundred and fifty dollars, . . .	5,450 00
Carver, . . .	One thousand three hundred and twenty-five dollars, . . .	1,325 00
Duxbury, . . .	Two thousand nine hundred and fifty dollars, . . .	2,950 00
East Bridgewater, . . .	Three thousand five hundred and fifty dollars, . . .	3,550 00
Halifax, . . .	One thousand dollars, . . .	1,000 00
Hanover, . . .	Two thousand and seventy-five dollars, . . .	2,075 00
Hanson, . . .	One thousand three hundred and fifty dollars, . . .	1,350 00
Hingham, . . .	Six thousand three hundred and twenty-five dollars, . . .	6,325 00
Hull, . . .	Four hundred dollars, . . .	400 00
Kingston, . . .	Three thousand three hundred and fifty dollars, . . .	3,350 00
Lakeville, . . .	One thousand six hundred dollars, . . .	1,600 00
Marion, . . .	One thousand two hundred and seventy-five dollars, . . .	1,275 00
Marshfield, . . .	Two thousand three hundred and fifty dollars, . . .	2,350 00
Mattapoisett, . . .	One thousand six hundred and twenty-five dollars, . . .	1,625 00

Plymouth County—Concluded.

Middleborough, .	Six thousand and one hundred dollars,	\$6,100 00
No. Bridgewater, .	Six thousand seven hundred and seventy-five dollars,	6,775 00
Pembroke, . .	One thousand seven hundred dollars, .	1,700 00
Plymouth, . .	Eight thousand five hundred and twenty-five dollars,	8,525 00
Plympton, . .	Nine hundred dollars,	900 00
Rochester, . .	One thousand five hundred and seventy-five dollars,	1,575 00
Scituate, . .	Two thousand five hundred and seventy-five dollars,	2,575 00
South Scituate, .	Two thousand two hundred and seventy-five dollars,	2,275 00
Wareham, . .	Two thousand seven hundred and twenty-five dollars,	2,725 00
W. Bridgewater, .	Two thousand five hundred and fifty dollars,	2,550 00
		<hr/> \$79,600 00

Barnstable.

BARNSTABLE COUNTY.

Barnstable, . .	Six thousand two hundred dollars, .	\$6,200 00
Brewster, . .	Two thousand one hundred dollars, .	2,100 00
Chatham, . .	Three thousand one hundred and seventy-five dollars,	3,175 00
Dennis, . .	Three thousand four hundred and fifty dollars,	3,450 00
Eastham, . .	Seven hundred and twenty-five dollars, .	725 00
Falmouth, . .	Three thousand seven hundred and fifty dollars,	3,750 00
Harwich, . .	Three thousand two hundred dollars, .	3,200 00
Orleans, . .	One thousand seven hundred and fifty dollars,	1,750 00
Provincetown, .	Four thousand three hundred and fifty dollars,	4,350 00
Sandwich, . .	Four thousand six hundred and twenty-five dollars,	4,625 00
Truro, . .	One thousand three hundred dollars, .	1,300 00
Wellfleet, . .	Two thousand two hundred dollars, .	2,200 00
Yarmouth, . .	Three thousand eight hundred dollars, .	3,800 00
		<hr/> \$40,625 00

DUKES COUNTY.

Dukes County.

Chilmark, . .	Nine hundred and fifty dollars, . .	\$950 00
Edgartown, .	Two thousand eight hundred and twenty-five dollars,	2,825 00
Gosnold, . .	Two hundred and seventy-five dollars,	275 00
Tisbury, . .	One thousand nine hundred and seventy-five dollars,	1,975 00
		<hr/> \$6,025 00

NANTUCKET COUNTY.

Nantucket.

Nantucket, . .	Six thousand and seventy-five dollars,	\$6,075 00
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RECAPITULATION.

Recapitulation
of counties.

Suffolk County, .	Nine hundred and fifty-seven thousand one hundred and twenty-five dollars,	\$957,125 00
Essex County, .	Two hundred and thirty-eight thousand one hundred and twenty-five dollars,	238,125 00
Middlesex County,	Three hundred and ninety-three thousand and twenty-five dollars,	393,025 00
Worcester County,	Two hundred and twenty-one thousand seven hundred and fifty dollars,	221,750 00
Hampshire County,	Fifty-four thousand eight hundred and fifty dollars,	54,850 00
Hampden County,	Ninety thousand four hundred dollars,	90,400 00
Franklin County,	Thirty-seven thousand three hundred and seventy-five dollars,	37,375 00
Berkshire County,	Seventy-five thousand two hundred dollars,	75,200 00
Norfolk County, .	One hundred and forty-seven thousand four hundred and fifty dollars,	147,450 00
Bristol County, .	One hundred fifty-two thousand three hundred and seventy-five dollars,	152,375 00
Plymouth County,	Seventy-nine thousand six hundred dollars,	79,600 00
Barnstable County,	Forty thousand six hundred and twenty-five dollars,	40,625 00
Dukes County, .	Six thousand and twenty-five dollars,	6,025 00
Nantucket County,	Six thousand and seventy-five dollars,	6,075 00
		<hr/> \$2,500,000 00

Treasurer of
Commonwealth
to issue war-
rant;

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, with a copy of this act, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them, respectively, to assess the sum so charged, according to the provisions of chapter eleven of the General Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them, respectively, on each city or town.

—to require
selectmen or
assessors to
issue warrant
to city or town
treasurers.

SECTION 3. The treasurer, in his said warrant, shall require the said selectmen or assessors to pay, or to issue their several warrant or warrants requiring the treasurers of their several cities or towns to pay to the treasurer of the Commonwealth, on or before the first day of December, in the year one thousand eight hundred and seventy, the sums set against said cities or towns in the schedule aforesaid; and the selectmen or assessors, respectively, shall return a certificate of the names of such treasurers, with the sum which each may be required to collect, to the said treasurer of the Commonwealth, at some time before the first day of October next.

Names of treasurers and sums required to be returned.

Treasurer of
Commonwealth
to notify delin-
quent city or
town treasurers.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth, within the time specified, then the said treasurer shall notify the treasurer of said delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency, dating on and after the first day of December next; and if the same remains unpaid after the first day of January next, an information may be filed by the treasurer of the Commonwealth, in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town, to enforce the payment of said taxes, under such penalties as said court, or the justice thereof before whom the hearing is had, shall order.

SECTION 5. This act shall take effect upon its passage.

Approved June 16, 1870.

Chap. 365

AN ACT TO INCORPORATE THE BUTCHERS SLAUGHTERING AND MELTING ASSOCIATION IN BRIGHTON, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Horace W. Baxter, Horace W. Jordan, and B. Francis Ricker, their associates and successors, are hereby made a corporation by the name of the Butchers Slaughtering and Melting Association, to be located in the town of

Name and purpose.

Brighton, for the purpose of carrying on the business of buying and slaughtering cattle, sheep and other animals, and of melting and "rendering" establishments, subject however to the provisions hereinafter contained, and to all general laws now, or that may hereafter be in force applicable to such corporations.

SECTION 2. Said corporation may take and hold, by purchase or otherwise, such parcel of land, not exceeding one hundred acres in extent, and situated in Brighton, within two miles of the Cattle Fair Hotel, as the state board of health shall by vote determine to be suitable for the carrying on of said business; and said corporation shall within sixty days from the time it shall take any land otherwise than by purchase, file in the office of the registry of deeds for the county wherein said lands lie, a description thereof, as certain as is required in a common conveyance of lands, together with a statement of the purpose for which the lands are taken, which description and statement shall be signed by the president of the corporation.

May take and hold such land not exceeding one hundred acres, as state board of health may determine.

To file description of land in registry of deeds within sixty days.

SECTION 3. The said corporation shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land for the purposes of this act. Any person, who shall sustain damages as aforesaid, and who shall not agree upon the damages to be paid therefor, may apply by petition for the assessment of his damages, at any time within one year from the taking of said land, to the superior court, in the county in which said land is situated. Such petition may be filed in the clerk's office of said court, in vacation or in term time, and the clerk shall thereupon issue a summons to said corporation, returnable, if issued in vacation, to the then next term of the said court, held fourteen days at least after the issuing of said summons, and if in term time, returnable on such day as the court shall order, to appear and answer to the said petition; the said summons shall be served fourteen days at least before the return day thereof, by leaving a copy thereof with the clerk of said corporation, and upon the return of said summons duly served, the said petition shall stand as a cause in said court, and all questions of fact relating to the damages sustained by the petitioner shall be heard and determined, and the amount of such damages shall be assessed by a jury of said court, unless the parties shall in writing waive their right to a jury trial and agree that the question of said damages shall be determined by the court; and the verdict of said jury, being accepted and recorded by said court, or the award of the court, if jury trial shall be waived, shall be final and conclusive, and judgment shall be ren-

Damages, how to be ascertained, &c.

dered, and execution issued thereon, and costs shall be recovered by the petitioner if the amount of said judgment shall exceed the amount offered him for his damage by said corporation before the filing of said petition ; otherwise said corporation shall recover its costs.

Buildings to be erected and business to be carried on subject to the approval of the state board of health.

SECTION 4. Said corporation shall proceed to build upon said land suitable buildings for the slaughtering of cattle, sheep and other animals, and for melting and rendering purposes, and all necessary stables and outbuildings. But no building shall be erected until the plans thereof, with all details of construction, shall have been submitted to and approved by said state board of health, or some person designated by said board to examine said plans. All the business of said corporation shall be carried on in accordance with such regulations as said board shall from time to time establish and furnish in writing to the clerk of said corporation, and for each violation of any one of said regulations, said corporation shall be liable to a fine of not less than twenty nor more than five hundred dollars, to be recovered by indictment against said corporation. Subject to the foregoing provisions said corporation may manufacture and sell any of the usual products of said slaughtering and melting business, or may lease or permit other persons to use their buildings or parts thereof on such terms as may be agreed upon. And each member of said corporation shall have the right to slaughter on the said premises, subject to such regulations and such tariff of prices as said corporation may, by vote at any regular meeting, establish, and to the regulations of the said board of health as aforesaid. And any person engaged in slaughtering or other business on the premises of said corporation, who shall violate any of the said regulations of said board, shall be liable to the penalty herein before affixed to violations thereof by said corporation.

Capital stock and shares.

SECTION 5. The capital stock of said corporation shall consist of two hundred thousand dollars, to be divided into shares of one hundred dollars each, and said corporation shall not take any land as herein before provided or commence business until the sum of one hundred thousand dollars at least shall be paid in in cash.

Board of health may order persons engaged in slaughtering within six miles of Faneuil Hall to slaughter upon premises of this corporation.

Proviso.

SECTION 6. The state board of health may, if in their judgment the public health shall require, order any person at any time engaged in the business of slaughtering within six miles of the Faneuil Hall Market in Boston, and not upon any island in the harbor, to slaughter his cattle, sheep or other animals, upon the premises of said corporation : *provided*, that thirty days' notice of an intention to pass such an order shall be given to such person by said board, and

that after such notice is given such person shall have continued to conduct his business in such a manner as in the judgment of the board is injurious to the public health; and the supreme judicial court or any justice thereof sitting in equity, shall have power to enforce any such order of said board by injunction. And whenever said board shall make such order as aforesaid, they shall also fix in said order the price per head which said party so served with said order shall pay to said corporation for the use of a place in its said building for slaughtering as aforesaid, but said price may be fixed as a certain sum of money, or as a certain portion of the animal, with its blood and offal, and said corporation shall be bound to permit said party to slaughter on its premises on the terms so fixed by the order of said board, unless said corporation and said party shall agree upon some different terms. Any person aggrieved by any order of the board of health as in this section provided, shall have the right to appeal from said order in the same manner and with the same effect as such right is now given in chapter twenty-six of the General Statutes to a person aggrieved by an order of a town board of health, prohibiting the carrying on of offensive trades. In case of any appeal as herein provided, the application for a jury shall be made to the superior court in the county wherein the party prohibited transacts his business, if in session in said county, or in vacation to any justice of said court.

S. J. C. may enforce order of board of health.

Right of appeal.

Application for jury in case of appeal.

Approved June 16, 1870.

AN ACT RELATING TO THE ACCOUNTS OF TRUSTEES.

Be it enacted, &c., as follows :

SECTION 1 The provisions of section twelve of chapter ninety-eight of the General Statutes, shall apply to trustees.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1870.

Chap. 366

Trustees accounts settled, may be opened.

AN ACT TO AUTHORIZE THE PROVIDENCE AND WORCESTER RAILROAD COMPANY TO SUBSCRIBE FOR STOCK OF THE NASHUA AND ROCHESTER RAILROAD COMPANY.

Be it enacted, &c., as follows :

SECTION 1. The Providence and Worcester Railroad Company may subscribe for and hold shares in the capital stock of the Nashua and Rochester Railroad Company to an amount not exceeding one hundred thousand dollars: *provided*, that said Providence and Worcester Railroad Company, by a majority vote on the stock represented, at a meeting of its stockholders, duly called for the purpose, shall vote so to do.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1870.

Chap. 367

Providence and Worcester Railroad may take stock in Nashua and Rochester Railroad Company. *Proviso.*

Chap. 368 AN ACT IN ADDITION TO AN ACT AUTHORIZING THE EXTENSION OF THE BOSTON AND ALBANY RAILROAD TO DEEP WATER AT SOUTH BOSTON, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Provisions of 1869, 461, not to exempt Boston and Albany Railroad from provisions of G. S. 63, §§ 19, 20.

SECTION 1. Nothing contained in chapter four hundred and sixty-one of the acts of the year eighteen hundred and sixty-nine, shall be deemed or construed to exempt the Boston and Albany Railroad Company from any of the requirements or provisions of sections nineteen and twenty of chapter sixty-three of the General Statutes, relative to the taking of land or materials without the limits of its road.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1870.

Chap. 369 AN ACT IN RELATION TO THE TAKING OF SHAD IN THE CONNECTICUT RIVER.

Be it enacted, &c., as follows :

When shad may be taken in Connecticut River.

SECTION 1. The limitation of time for catching shad in the Connecticut River in this state, shall hereafter be the same as that now fixed, or which shall hereafter be prescribed by the legislature of Connecticut for taking shad in said river in that state.

SECTION 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved June 18, 1870.

Chap. 370 AN ACT FOR THE APPOINTMENT OF COMMISSIONERS OF PRISONS AND FOR THE CLASSIFICATION AND BETTER DISCIPLINE OF PRISONERS.

Be it enacted, &c., as follows :

Three commissioners of prisons to be appointed by the governor;

SECTION 1. The governor, with the advice and consent of the council shall appoint three commissioners of prisons, whose terms of office shall expire as provided in this section. On the first Wednesday of July in each year, the term of office of the senior member of the board, as they stand arranged in the list of their appointments, shall terminate, and the name of the person appointed to fill the vacancy shall be placed at the bottom of the list, and other vacancies may at any time be filled, and the name of the person appointed substituted in the list for the remainder of the vacant term.

—to classify prisoners in jails and houses of correction;

SECTION 2. The commissioners of prisons shall, as far as practicable, classify all prisoners held under sentence in all the jails and houses of correction in the state, or that may be committed thereto at any time hereafter, having reference to sex, age, character, condition and offences, and in such a manner as to promote the reformation, safe custody, and

economy of support of the prisoners, and the separation of male and female prisoners; and for this purpose may remove prisoners from one jail to another jail in the same or in any other county, and from one house of correction to another in the same or in any other county, and the said prisoners shall serve the remainder of their terms of sentence in the prisons to which they shall be so removed from time to time.

—to separate male and female prisoners;
—may remove prisoners from one jail, &c., to another.

SECTION 3. All warrants, mittimus, processes and other official papers or attested copies thereof, by which a prisoner is committed, shall be transferred, at the time of the removal of the prisoner, with an order for such removal, signed by the secretary of said commissioners, and directed to the proper officer, to make such removal, indorsed therein, to the prison to which the prisoner is removed, there to be kept in the same manner as if such prisoner was originally committed thereto.

Official papers by which prisoner is committed to be transferred at time of removal.

SECTION 4. The supreme judicial court, the superior court, or any municipal or police court, may sentence any person convicted before such court respectively, of an offence punishable by imprisonment in the jail or house of correction, to any jail or house of correction of any county in the Commonwealth. And the jailer or master or keeper of the house of correction or jail to which such person shall be sentenced, or to which any prisoner may be removed under this act, shall receive and detain such person or prisoner in the same manner as if committed by any court sitting in the county where said jail or house of correction is situated. There shall be paid to the county to which any person or prisoner may be sentenced or removed from any other county by virtue of this act, by such other county, such sum as shall be agreed upon by the county commissioners of said counties, except Suffolk, and in that county by the board of directors for public institutions in Boston, and in case said commissioners, or board, shall not be able to agree upon the amount to be paid, representation of the facts may be made to the superior court sitting in any county, and the amount shall be determined by said court.

Courts may sentence prisoner to any county jail, &c., in the state.

Amount to be paid by county from which prisoner was committed or transferred to be agreed upon by county commissioners.

SECTION 5. Any officer, authorized to serve criminal processes, in the county from which a prisoner is sentenced, or removed under the provisions of this act, may serve the process, by which such prisoner is committed, or removed to any other county.

Officer authorized to serve criminal process in his own county, may commit in county where court directs.

SECTION 6. All the costs and expenses of the removal of any prisoner from one county to another, shall be paid by the county from which such prisoner is removed, and shall be taxed and allowed in the same manner as other criminal costs are now taxed and allowed.

Costs of removal to be paid by county from which prisoner is removed.

Commissioners to prepare rules for government of prisons, subject to approval, &c., of governor and council;

SECTION 7. The commissioners of prisons shall from time to time prepare rules and regulations consistent with the laws of the state, for the direction of the officers of each of the jails or houses of correction in discharge of their duty, the government, employment, and discipline of the convicts, and the custody and preservation of the public property. And they shall cause authentic copies thereof to be laid before the governor and council, who may approve, annul or modify the same.

—to visit jails, &c., as often as once in six months and see that rules are observed.

SECTION 8. The commissioners of prisons or one of them, shall visit all the jails and houses of correction in the state once in six months, and oftener if they see fit, for the purpose of inspecting the books and all the concerns of said jails and houses of correction, and ascertaining whether the laws, rules and regulations are duly observed, the officers competent and faithful, and the convicts properly governed and employed; and for this purpose shall have all the powers in respect to such jails and houses of correction that the county commissioners or the directors for public institutions in the city of Boston now have as inspectors of prisons in their several counties.

Reports of jailers, &c., to be made to commissioners.

SECTION 9. All the reports and returns now required by law to be made by the jailers of the jails, by the masters or keepers of the houses of correction, by the overseers of the houses of correction, or by the county commissioners in respect to jails or houses of correction, or by the directors of public institutions in the city of Boston, shall hereafter be made to the commissioners of prisons, and said jailers, masters or keepers, overseers, county commissioners and directors, shall continue to have and exercise the same powers and duties in reference to said jails and houses of correction, except so far as is otherwise provided in this act; but they shall not make any rules and regulations inconsistent with the rules and regulations established by the commissioners of prisons under this act.

Three women to be appointed as an advisory board of overseers to prisons where women are committed.

SECTION 10. The governor, with the advice and consent of the council, shall appoint three competent women as an advisory board of overseers to the prisons designated under this act for the imprisonment of women, and the terms of office of said advisory board shall be limited, and all vacancies in said board shall be filled in the manner prescribed in the second section of this act for limiting the offices and filling vacancies in the board of commissioners of prisons. The advisory board or some one of them, shall visit each of said prisons at least once a month, and shall have the same power to visit and inspect such prisons and to examine into

everything relating to the same as inspectors of prisons by law now have, and they shall make quarterly reports to the commissioners of prisons, with such suggestions and recommendations as they shall deem expedient and proper.

SECTION 11. The commissioners of prisons shall elect a secretary, who shall when elected be a member of the board, and shall be their executive officer, and shall hold his office for three years, unless sooner removed by the board. He shall perform or superintend the work prescribed in this act, and such other duties as the commissioners may require. He shall receive from the treasury an annual salary, payable in the manner prescribed by law, of two thousand dollars, and his necessary travelling expenses incurred in the performance of his official duties. No other member of the board of commissioners of prisons, except the secretary, shall receive any compensation, but the actual personal expenses of any member, while engaged in his official duties, shall be allowed and paid.

Commissioners to elect secretary, who shall be member of board and executive officer;

SECTION 12. The commissioners of prisons shall annually prepare and print for the use of the legislature, a full and complete report of their doings during the year preceding, stating fully and in detail, all expenses incurred, and showing the actual condition of the jails and houses of correction in all the counties of the state, with such suggestions and recommendations as they may deem proper.

—to make annual report to the legislature.

Approved June 18, 1870.

AN ACT TO AMEND CHAPTER NINETY-TWO OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY, RELATING TO DESTITUTE CHILDREN.

Chap. 371

Be it enacted, §c., as follows :

SECTION 1. Section two of chapter ninety-two of the acts of the year eighteen hundred and seventy is hereby amended by striking out the word "fortieth" in the eleventh line, and inserting instead thereof the word "fourth."

Amendment to 1870, 92, § 2.

SECTION 2. This act shall take effect upon its passage.

Approved June 18, 1870.

AN ACT TO REQUIRE RAILROAD TRAINS TO BE FURNISHED WITH CERTAIN TOOLS AND APPLIANCES.

Chap. 372

Be it enacted, §c., as follows :

SECTION 1. Every passenger, freight and mixed train run upon any railroad in this Commonwealth, shall be furnished with two guide-plates, two jackscrews, two traversing jackscrews, two crow-bars, one pinch-bar, one claw-bar, one spike hammer, two sharp axes, and chains, ropes and blocks suitable for hauling engines and cars.

Railroad trains to be supplied with jackscrews, axes, &c.

Penalty on corporation for neglect, &c.

SECTION 2. If any railroad corporation shall run or permit to be run, any passenger, freight or mixed train which shall not be furnished with and carry the tools and appliances mentioned in section one, such corporation shall forfeit to the Commonwealth the sum of one hundred dollars; and if any locomotive or any car or cars which may be attached thereto, composing a passenger, freight or mixed train, shall by any accident be thrown from the track on which the same is or are running, and said train shall not at the time of such accident be furnished with and carry the tools and appliances mentioned in section one, the corporation in whose control such train shall be at the time of such accident, shall forfeit to the Commonwealth the sum of five hundred dollars. It shall be the duty of the railroad commissioners to see that this act is complied with, and the attorney-general shall sue for any forfeiture incurred under its provisions.

Approved June 18, 1870.

Chap. 373

AN ACT IN RELATION TO THE DISTRIBUTION OF UNCLAIMED PORTIONS OF THE PERSONAL ESTATES OF DECEASED PERSONS.

Be it enacted, &c., as follows:

Amendment to 1868, 288.

Chapter two hundred and eighty-eight of the acts of the year eighteen hundred and sixty-eight is hereby amended by substituting two years instead of five years.

Approved June 18, 1870.

Chap. 374

AN ACT TO ANNEX A PORTION OF THE TOWN OF BROOKLINE TO THE CITY OF BOSTON.

Be it enacted, &c., as follows:

Portion of Brookline annexed to Boston.

SECTION 1. That part of the town of Brookline contained within the line described as follows: beginning at a point in the centre of the channel of Charles River on the boundary line between the town of Brookline and the city of Cambridge, where the westerly line of St. Mary's Street, in the town of Brookline, extended in a northerly direction, would intersect the said boundary line; thence running southwardly by the westerly line of said St. Mary's Street extended to the southerly line of Brighton Avenue; thence continuing in the same direction by the westerly line of St. Mary's Street, to the northerly line of Ivy Street; thence turning a little and running south-easterly by the south-westerly line of St. Mary's Street, and by the continuation of the same to the present boundary line between Boston and Brookline in the centre of the channel of Muddy River; thence easterly following said boundary line to the present boundary line in the centre of the channel of Charles River; thence by the centre of said channel of Charles River to the point of beginning,—with

all the inhabitants and estates therein, is hereby set off from the town of Brookline and annexed to the city of Boston, and shall constitute a part of the sixth ward thereof, until a new division of wards shall be made; and such territory so annexed shall form part of the county of Suffolk: *provided*, that the said territory and the inhabitants thereon, set off as aforesaid, shall be holden to pay all such taxes as are already assessed or ordered to be assessed by said town of Brookline for the present year, in the same manner as if this act had not been passed; and *provided, further*, that all paupers who have gained a settlement in said town of Brookline, by a settlement gained or derived within said territory, shall be relieved or supported by said city of Boston, in the same manner as if they had a legal settlement in said city of Boston.

To constitute a part of sixth ward of Boston and form part of county of Suffolk. Provisos.

SECTION 2. The said inhabitants hereby set off to the city of Boston shall continue to be a part of Brookline for the purpose of electing state officers and members of the executive council, senators and representatives to the general court, representatives to congress, and electors of president and vice-president of the United States, until the next decennial census shall be taken, or until another apportionment shall be made; and it shall be the duty of the board of aldermen of said city of Boston to make a true list of the persons residing on the territory hereby annexed to said city, qualified to vote at such elections, and post up the same in said territory, and correct the same as required by law, and deliver the same to the selectmen of said town of Brookline, seven days at least before any such election; and the same shall be taken and used by the selectmen of Brookline for such election, in the same manner as if it had been prepared by themselves.

Inhabitants set off to continue part of Brookline for electing state and national officers until next census, &c.

SECTION 3. This act shall not be construed to divest or deprive the town of Brookline of any legal rights of drainage which it now possesses.

Rights of drainage not affected.

SECTION 4. This act shall not take effect until accepted by the city council of Boston.

Approved June 18, 1870.

Subject to acceptance by city council of Boston.

AN ACT IN RELATION TO BUILDING WITH STONE OR BRICK IN POPULOUS TOWNS, AND FOR PREVENTING FIRE.

Chap. 375

Be it enacted, &c., as follows:

SECTION 1. No dwelling-house, shop, warehouse, barn, stable, or any other structure of more than eight feet in length or breadth, and seven feet in height, shall be erected and set up within such limits of any town of this Commonwealth, as said town may from time to time determine, but of stone, brick, or other incombustible material, and covered

No dwelling-house, &c., except built of stone, &c., to be erected if town so determines.

Proviso.

with slate, tin, tile, or other incombustible material, unless in particular cases where the public good permits or necessity requires, to be so judged and signified in writing, by license, under the hands of the selectmen of said town, or a major part of them: *provided*, this shall not apply to any detached house, shop, stable, barn or structure which is located more than a hundred feet from any other house, barn, shop, stable or warehouse, nor to wooden structures erected upon wharves of wood.

Building unlawfully erected to be deemed a common nuisance.

SECTION 2. Any such building or structure hereafter erected without license duly granted by the selectmen, and recorded in the records of the town where the same is erected, shall be deemed and taken to be a common nuisance, without any other proof thereof than proof of its use. And the selectmen of any town shall have the same power to abate and remove any building or structure mentioned in section one, erected contrary to the provisions of this act, as boards of health have to remove nuisances by sections eight, nine and ten of chapter twenty-six of the General Statutes.

Subject to adoption by vote of inhabitants.

SECTION 3. This act shall not be in force in any town unless the inhabitants thereof shall adopt the same at a legal meeting of said inhabitants called for that purpose.

SECTION 4. This act shall take effect upon its passage.

Approved June 18, 1870.

Chap. 376 AN ACT TO AMEND CHAPTER ONE HUNDRED AND NINETY OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-THREE, CONCERNING FENCE VIEWERS.

Be it enacted, §c., as follows :

Amendment to 1863, 190, § 1.

SECTION 1. Section one of chapter one hundred and ninety of the acts of the year eighteen hundred and sixty-three, is hereby amended by striking out the words "section ten."

SECTION 2. This act shall take effect upon its passage.

Approved June 18, 1870.

Chap. 377 AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE BOSTON WATER-POWER COMPANY.

Be it enacted, §c., as follows :

May hold \$500,000 additional real estate.

SECTION 1. In addition to the real estate and water power which the Boston Water-Power Company is now authorized to hold, the said company may hold real estate in Boston, near and adjoining its present lands, not exceeding the value of five hundred thousand dollars at the time of the purchase thereof.

SECTION 2. This act shall take effect upon its passage.

Approved June 18, 1870.

AN ACT CONCERNING THE OLD COLONY AND NEWPORT AND THE GRANITE RAILWAY COMPANIES. *Chap. 378*

Be it enacted, §c., as follows :

SECTION 1. In case the Old Colony and Newport Railway Company shall purchase, under the provisions of chapter two hundred and thirty-two of the acts of the year eighteen hundred and forty-six or chapter eighty-four of the acts of the year eighteen hundred and forty-eight, the railroad and franchises of the Granite Railway Company, it is hereby authorized to widen and straighten the location of said Granite Railway, so far as it may be necessary, to construct and operate a suitable and convenient railroad from Belknap Square, so called, in the west district of Quincy, to a point of connection with the Mount Hope Branch of said Old Colony and Newport Railway, or with the Dorchester and Milton Branch Railroad; and for that purpose may purchase or otherwise take such land and materials as the board of railroad commissioners, upon due examination, shall find to be necessary.

Old Colony and Newport Railroad may widen Granite Railway if it purchases the same;

—may take land, &c., necessary;

SECTION 2. Said company shall file a description, approved and endorsed by the board of railroad commissioners, of the location of any land purchased or otherwise taken, under authority of this act, with the commissioners of the county in which the same lies, within six months from such purchase or taking.

—to file description of land taken;

SECTION 3. Said company shall pay all damages occasioned by the widening and straightening and the taking of any land or materials as herein authorized; and all the provisions of the general laws applicable to damages occasioned by anything done under authority of section nineteen of chapter sixty-three of the General Statutes shall be applicable to damages occasioned by anything done under authority of this act.

—to pay all damages for widening and straightening road.

SECTION 4. This act shall take effect upon its passage.

Approved June 18, 1870.

AN ACT CONCERNING THE PLYMOUTH AND VINEYARD SOUND RAILROAD COMPANY. *Chap. 379*

Be it enacted, §c., as follows :

SECTION 1. Chapter one hundred and ninety-six of the acts of the year eighteen hundred and sixty-one, and chapter one hundred and twenty-two of the acts of the year eighteen hundred and sixty-eight, are hereby revived and confirmed: *provided*, said corporation shall file the location of the railroad authorized by the first mentioned act within two years, and complete the construction thereof within four years from the passage of this act.

Charter revived and continued. 1861, 196; 1863, 122.

Proviso.

Plymouth and Vineyard Sound Railroad may be constructed by sections;

SECTION 2. The Plymouth and Vineyard Sound Railroad Company is hereby authorized to construct, by sections, the road authorized by the said acts; the first section to comprise the road authorized by the act first mentioned, with the wharves authorized by the second act mentioned; the second section to comprise the extension of said road authorized by the second act mentioned; and the location of said second section may be filed at any time within three years, and the construction thereof completed at any time within five years from the passage of this act.

—may sell franchise, &c., to Cape Cod or Old Colony and Newport Railroads.

SECTION 3. The Plymouth and Vineyard Sound Railroad Company is hereby authorized and empowered to transfer its charter, franchise, property, rights and privileges, so far as relates to the first section of said road, or so far as relates to the second section of said road, or both of them, to the Cape Cod Railroad Company or to the Old Colony and Newport Railway Company, whenever a mutual arrangement may be made to that effect; and the said Cape Cod Railroad Company, and said Old Colony and Newport Railway Company are hereby respectively authorized to accept and receive such transfer of said franchise and other rights, in whole or in part, whenever mutually agreed upon, and thereafter to hold the same, and to construct and maintain the railroad and wharves, or either section thereof, in the same manner, and with the same rights and privileges, and subject to the same liabilities and restrictions as are provided in the before mentioned acts hereby revived, and in this act: *provided, however*, that the Cape Cod Railroad Company, or the Old Colony and Newport Railway Company, if receiving such transfer, shall file the location of the said railroad, or that section thereof of which the franchise is so transferred, within two years, and construct the same within four years from the passage of this act.

If transfer is made, provisions of 1868, 122, §§ 5, 6, to apply to company receiving transfer.

SECTION 4. The provisions of sections five and six of chapter one hundred and twenty-two of the acts of the year eighteen hundred and sixty-eight, if the transfer, in whole or in part, hereby authorized, shall be made to the Cape Cod Railroad Company, or the Old Colony and Newport Railway Company, either or both of them, shall apply to the taking of stock in the company or companies receiving such transfer, and to representing and voting on the same, in the meetings of such company or companies, in the same manner, and with the same effect as they apply to the said Plymouth and Vineyard Sound Railroad Company.

SECTION 5. On receiving the transfer authorized by section three of this act, the Cape Cod Railroad Company, or the Old Colony and Newport Railway Company, is authorized to increase its capital stock by an amount not exceeding seven hundred thousand dollars, in case it shall receive a transfer of the whole of said franchise; and to an amount not exceeding three hundred and fifty thousand dollars, in case it shall receive a transfer of the franchise for one section of said road.

On receiving transfer of both sections, capital stock may be increased \$700,000;

—if one section, \$350,000.

SECTION 6. Section eight of chapter one hundred and twenty-two of the acts of the year eighteen hundred and sixty-eight is hereby repealed.

Repeal.

SECTION 7. This act shall take effect upon its passage.

Approved June 18, 1870.

AN ACT ESTABLISHING THE SALARIES OF THE SECRETARY AND AUDITOR OF THE COMMONWEALTH.

Chap. 380

Be it enacted, &c., as follows:

SECTION 1. The salaries of the secretary and auditor of the Commonwealth, shall be three thousand five hundred dollars each per year, from the first of January of the current year.

Salaries of secretary and auditor fixed at \$3,500 per annum.

SECTION 2. This act shall take effect upon its passage.

Approved June 20, 1870.

AN ACT IN FURTHER ADDITION TO AN ACT IN RELATION TO A FREE BRIDGE ACROSS THE CONNECTICUT RIVER, BETWEEN HOLYOKE AND SOUTH HADLEY.

Chap. 381

Be it enacted, &c., as follows:

SECTION 1. If for the purpose of constructing a bridge, with suitable approaches thereto, across the Connecticut River between Holyoke and South Hadley, according to the provisions of chapter one hundred and eighty-two of the acts of the year eighteen hundred and seventy, the county commissioners of the counties of Hampden and Hampshire deem it necessary to take and appropriate the property of private owners, said commissioners are hereby authorized to enter upon and appropriate any lands or other property in Holyoke or South Hadley, conveniently situated for the purposes required.

County commissioners may take land for widening, &c., bridge between Holyoke and South Hadley;

SECTION 2. Said commissioners, before entering upon said lands or property for the purpose of constructing said bridge and approaches, shall file in the clerk's office of the county where the lands lie, a report and survey showing the location of so much of said bridge and approaches as lie within said county, together with the quantity of every owner's land taken for the purposes aforesaid; also such estimate of dam-

—to file in clerk's office location of bridge and quantity of land taken; also estimate of damages.

ages as said commissioners, after a hearing of the parties, shall award for lands and property so necessarily taken and appropriated for the proper construction of said bridge and approaches.

Party aggrieved may apply for a jury.

SECTION 3. Any party aggrieved by the assessment of damages by said commissioners, may make application for a jury of the county where the lands lie, to revise and re-assess his damages; and all proceedings in relation thereto, shall be in accordance with the provisions of chapter forty-three of the General Statutes.

SECTION 4. This act shall take effect upon its passage.

Approved June 21, 1870.

Chap. 382 AN ACT TO PROHIBIT THE TAKING OF BLACK BASS IN LAKE COCHITUATE.

Be it enacted, &c., as follows:

Penalty for taking black bass.

Whoever catches, takes or destroys any black bass in the waters of Lake Cochituate in the towns of Natick, Wayland or Framingham in the county of Middlesex, shall forfeit for each offence not less than ten nor more than fifty dollars.

Approved June 21, 1870.

Chap. 383 AN ACT IN ADDITION TO AN ACT CONCERNING THE RETURNS OF RAILROAD CORPORATIONS, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

1870, 307, to apply to street railways.

SECTION 1. Chapter three hundred and seven of the acts of the current year shall apply to street railway corporations.

SECTION 2. This act shall take effect upon its passage.

Approved June 21, 1870.

Chap. 384 AN ACT RELATING TO THE EXPENSES AND INCOME OF CERTAIN STATE INSTITUTIONS.

Be it enacted, &c., as follows:

Advances may be made from appropriations for support of state almshouses, &c.

From the appropriations for expenses of the state prison, of the state almshouses at Tewksbury, Bridgewater and Monson, and of the reform school for boys at Westborough, of the Massachusetts nautical school, and of the industrial school for girls, there may be paid to each in advance, a sum not exceeding one thousand dollars, to be accounted for to the auditor in the monthly settlements of said institutions; and all sums received by said institutions from cities, towns or individuals, for the support of inmates, or for articles sold, shall be paid into the treasury of the Commonwealth, quarterly.

Sums received for support of inmates, &c., to be paid into treasury quarterly.

Approved June 21, 1870.

AN ACT TO AMEND THE CHARTER OF THE NAUMKEAG MUTUAL FIRE INSURANCE COMPANY OF SALEM. *Chap. 385*

Be it enacted, &c., as follows :

SECTION 1. Section two of chapter four hundred and thirty of the acts of the year eighteen hundred and sixty-nine is hereby repealed. Repeal of 1869, 430, § 2.

SECTION 2. This act shall take effect upon its passage.

Approved June 21, 1870.

AN ACT TO AUTHORIZE A CONNECTION BETWEEN THE LEXINGTON AND ARLINGTON BRANCH OF THE BOSTON AND LOWELL RAILROAD CORPORATION WITH THE MAIN LINE OF SAID CORPORATION. *Chap. 386*

Be it enacted, &c., as follows :

SECTION 1. The Boston and Lowell Railroad Corporation is hereby authorized to locate, construct, maintain and operate a branch railroad, to connect its main railroad with the Lexington and Arlington branch of said Boston and Lowell Railroad Corporation. The branch hereby authorized to be constructed shall commence on the main railroad of said corporation, between the arch bridge near Somerville Centre station and the bridge over Harvard Street in Medford, and extend westerly, upon the route deemed most feasible, to the Lexington and Arlington branch aforesaid, between Alewife brook and the Pond street station in Arlington, with the right to connect said main railroad and said Lexington and Arlington branch in either and both directions. Boston and Lowell Railroad may construct branch road to connect with Lexington and Arlington Branch.

SECTION 2. The crossings of highways by the branch hereby authorized to be constructed shall be at grade, properly guarded and protected according to law, unless a different mode of crossing shall be ordered by the board of railroad commissioners. Crossings of highways to be at grade unless otherwise ordered by railroad commissioners.

SECTION 3. This act shall take effect upon its passage, and shall be void unless the branch hereby authorized shall be constructed within two years from the passage of this act. To be constructed within two years.

Approved June 21, 1870.

AN ACT TO REVIVE THE CHARTER OF THE LEE AND NEW HAVEN RAILROAD COMPANY AND FOR OTHER PURPOSES. *Chap. 387*

Be it enacted, &c., as follows :

SECTION 1. All acts and parts of acts relating to the Lee and New Haven Railroad Company, which were in force on the first day of April in the present year, are hereby revived and continued in force ; and the time for the construction of the railroad of said company is hereby extended to the fifth day of June, in the year eighteen hundred and seventy-two. Charter revived and time for construction extended.

Associate corporators.

SECTION 2. Samuel W. Bowerman, John C. West, William H. Hill, Clifford C. Holcomb, Norman Strickland and Albert Hull, are hereby made associate corporators in said company.

SECTION 3. This act shall take effect upon its passage.

Approved June 21, 1870.

Chap. 388

AN ACT RELATING TO SPECIAL ALLOWANCES OF STATE AID.

Be it enacted, &c., as follows :

Special allowances for state aid, when to terminate.

All allowances of state aid by special act or resolve shall terminate in accordance with the provisions of chapter one hundred and seventy-two of the acts of the year eighteen hundred and sixty-six, or any other act amendatory thereof.

Approved June 21, 1870.

Chap. 389

AN ACT IN ADDITION TO "AN ACT CONCERNING THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS."

Be it enacted, &c., as follows :

Amendment to 1869, §15.

SECTION 1. Section seven of chapter four hundred and fifteen of the acts of the year eighteen hundred and sixty-nine is hereby amended by striking therefrom the words, "or under his direction," and section twenty-six of said chapter is hereby amended by striking therefrom the words "three months," and inserting instead thereof the words, "six months;" and section thirty of said chapter is hereby amended by striking therefrom "ale, porter, strong beer, lager bier," and section seven of said chapter is hereby amended by inserting after "October" the words "and during his continuance in office as such commissioner he shall engage in no other business."

Malt liquors may be manufactured and sold.

SECTION 2. Any person may manufacture or sell, or keep for sale ale, porter, strong beer, lager bier; but nothing herein contained shall authorize any person to sell ale, porter, strong beer, lager bier during any part of the Lord's day.

Cities and towns may vote annually that malt liquors shall not be sold.

SECTION 3. The inhabitants of any city or town may on the first Tuesday of July next, and thereafter on the first Tuesday in May annually, vote that no person shall be allowed to sell ale, porter, strong beer, lager bier, in which case the sale of such liquors in such city or town is prohibited.

Druggists may be appointed to sell spirituous liquors for medicinal, &c., purposes.

SECTION 4. The mayor and aldermen of any city, and the selectmen of any town, may annually, on the first Monday of July, or as soon thereafter as practicable, issue a certificate to any dispensing druggist or apothecary, having his place of business in such city or town, designating with precision such place of business in said certificate, and declaring him to be a suitable person to purchase, keep and sell spirituous or intoxicating liquors, for medicinal, mechanical or chemical purposes.

And any dispensing druggist or apothecary who shall annually receive such certificate from the mayor and aldermen, or the selectmen of the city or town in which he has his place of business, may purchase of any person legally authorized to manufacture or sell spirituous or intoxicating liquors, all kinds of pure and unadulterated spirituous or intoxicating liquors, and malt liquors, and may keep and sell the same, at his place of business designated as aforesaid, for medicinal, mechanical or chemical purposes only.

But nothing herein contained shall authorize any person named in this section to sell said liquors to a minor, or on the Lord's day, except on the prescription of a physician; and nothing herein contained shall authorize any person named in this section to sell said liquors to be drunk on the premises.

Liquors not to be sold to a minor or on Lord's day, except on physician's prescription.

In case any dispensing druggist or apothecary is authorized, as provided in this section, to sell the liquors aforesaid, it shall not be obligatory upon the mayor and aldermen, or the selectmen of the cities and towns issuing the certificate herein named, to appoint any other agent to sell spirituous or intoxicating liquors in their respective cities and towns.

When druggist is appointed, town not obliged to appoint any other agent.

SECTION 5. The commissioner, or any manufacturer or agent appointed or licensed to manufacture or sell spirituous or intoxicating liquors, or malt liquors, under chapter four hundred and fifteen of the acts of the year eighteen hundred and sixty-nine, or under this act, is hereby authorized to sell to any dispensing druggist or apothecary, who shall produce the certificate named in the preceding section, all kinds of pure and unadulterated spirituous or intoxicating liquors and malt liquors for the purposes named in this act.

Commissioner, manufacturer, &c., may sell liquors to druggist upon his producing certificate.

SECTION 6. If any dispensing druggist or apothecary, or his clerk, servant or agent, or any person on the premises is convicted of an illegal sale under this act, the person so convicted shall forfeit and pay a fine of twenty-five dollars and the costs of prosecution; and the druggist or apothecary owning or having charge of the premises, shall be adjudged to have forfeited the rights and privileges conferred by this act, and the certificate named in the fourth section hereof, shall be revoked and annulled by the court trying the case, and such druggist or apothecary shall not be authorized to sell spirituous or intoxicating liquors under the provisions of this act for a period of three years after the date of the conviction aforesaid.

Penalty on druggist, &c., for selling illegally.

SECTION 7. The municipal courts of any cities, trial justices in their respective counties, and police courts and district courts within their respective districts, shall have jurisdiction concurrent with the superior court over all violations of the provisions of this act.

Jurisdiction of courts and justices.

Prosecutions
now pending
not to be
affected.

Forms of plead-
ing not
changed.

SECTION 8. Nothing contained in this act shall affect any prosecution now pending, nor any penalty or forfeiture already incurred under the provisions of any law in force prior to the passage of this act, nor shall anything in this act be construed to require any change in the forms of pleading now or heretofore used in the trials of criminal causes.

Approved June 22, 1870.

Chap. 390

AN ACT TO AMEND AN ACT IN ADDITION TO AN ACT CONCERNING THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS.

Be it enacted, &c., as follows :

Amendment to
1870, 389, § 3.

SECTION 1. Section three of an act passed at the present session, entitled an act in addition to an act concerning the manufacture and sale of intoxicating liquors, is hereby amended, by striking out the word "July" in said section, and inserting the word "September" in place thereof; and after the word "case" in said section, insert the words "and until said first Tuesday of September;" also by adding at the end of the same section the words "under the same penalties provided in the act to which this is in addition."

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1870.

Chap. 391

AN ACT IN ADDITION TO AN ACT REGULATING CERTAIN MATTERS OF INSURANCE.

Be it enacted, &c., as follows :

Provisions of
1862, 224, § 2,
not to modify
G. S. 58, § 70.

SECTION 1. Nothing contained in section two of chapter two hundred and twenty-four of the acts of the year eighteen hundred and sixty-two, shall be construed as a repeal or modification of any of the provisions of section seventy of chapter fifty-eight of the General Statutes.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1870.

Chap. 392

AN ACT CONCERNING THE SETTLEMENT OF PAUPERS.

Be it enacted, &c., as follows :

Unmarried
woman of
twenty-one
years residing
ten years in any
place without
relief as pauper,
gains a settle-
ment.
Settlements
acquired by law
in force previ-
ous to Feb. 11,
1794, except,
&c., declared
lost.

SECTION 1. Any unmarried woman of the age of twenty-one years who shall hereafter reside in any place within this state for ten years together without receiving relief as a pauper or being convicted of a crime, shall thereby gain a settlement in such place.

SECTION 2. All settlements acquired by virtue of any provision of law in force prior to the eleventh day of February, in the year one thousand seven hundred and ninety-four, except where the existence of such settlement prevented a subsequent acquisition, are hereby declared defeated and lost.

SECTION 3. Any person who shall have been duly enlisted and mustered into the military or naval service of the United States, as a part of the quota of any city or town in this Commonwealth, under any call of the president of the United States, during the recent civil war, and who shall have continued in such service for a term not less than one year, or who shall have died or become disabled from wounds or disease received or contracted while engaged in such service, or while a prisoner in the hands of the enemy, and the wife or widow and minor children of such person shall be deemed thereby to have acquired a settlement in such city or town.

Soldiers and sailors who served as part of quota of any town, &c., acquire settlement.

SECTION 4. The provisions of the preceding section shall not apply to any person who shall have enlisted and received a bounty for such enlistment in more than one town, unless the second enlistment was made after an honorable discharge from the first term of service, nor to any person who shall have been proved guilty of wilful desertion, or to have left the service otherwise than by reason of disability or an honorable discharge.

When provisions of preceding section do not apply.

SECTION 5. Any person who would otherwise be entitled to a settlement under section three of this act, but who was not a part of the quota of any city or town, shall, if he served as a part of the quota of this Commonwealth, be deemed to have acquired a settlement in the city or town where he actually resided at the time of his enlistment.

Persons who served on quota of Commonwealth gain settlement where residing at time of enlistment.

SECTION 6. Chapter two hundred and thirty of the acts of the year eighteen hundred and sixty-five, and section three of chapter three hundred and twenty-eight of the acts of the year eighteen hundred and sixty-eight, are hereby repealed, saving all acts done and all proceedings commenced under the same.

Repeal.

Approved June 22, 1870.

AN ACT IN RELATION TO WITNESSES.

Be it enacted, &c., as follows:

SECTION 1. No person of sufficient understanding shall be excluded from giving evidence as a witness in any proceeding, civil or criminal, in court or before a person having authority to receive evidence, except in the following cases:—

No person of sufficient understanding to be excluded as a witness, except, &c.

First. Neither husband nor wife shall be allowed to testify as to private conversations with each other.

Second. Neither husband nor wife shall be compelled to be a witness on any trial upon an indictment, complaint or other criminal proceeding, against the other.

Chap. 393

Third. In the trial of all indictments, complaints and other proceedings against persons charged with the commission of crimes or offences, the person so charged shall, at his own request, but not otherwise, be deemed a competent witness; and his neglect or refusal to testify shall not create any presumption against him.

Not to apply to witnesses to will.

Witness convicted of crime.

SECTION 2. Nothing in this act contained shall apply to the attesting witnesses to a will or codicil.

SECTION 3. The conviction of a witness of any crime may be shown, to affect his credibility.

Party calling adverse party as witness may have same liberty as in cross-examination.

SECTION 4. A party to a cause, who shall call the adverse party as a witness, shall be allowed the same liberty in the examination of such witness, as is now allowed upon cross-examination.

Repeal.

SECTION 5. Sections thirteen, fourteen, fifteen and sixteen, of chapter one hundred and thirty-one of the General Statutes, chapter three hundred and four of the acts of the year eighteen hundred and sixty-four, chapter two hundred and seven of the acts of the year eighteen hundred and sixty-five, section five of chapter one hundred and forty-eight, and chapter two hundred and sixty, of the acts of the year eighteen hundred and sixty-six, are hereby repealed.

Approved June 22, 1870.

Chap. 394

AN ACT RELATING TO THE COLLECTION OF RE-ASSESSED TAXES.

Be it enacted, &c., as follows :

Taxes re-assessed under G. S. 11, § 53, to have name of person originally assessed named in warrant.

SECTION 1. Taxes re-assessed under the provisions of section fifty-three of chapter eleven of the General Statutes, shall be committed to, and collected and paid over by the collector of taxes for the time being, in the same manner as other taxes, except that the name of the person to whom the taxes were originally assessed shall be stated in the warrant; and the bond of such collector shall apply to such re-assessed taxes.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1870.

Chap. 395

AN ACT CONCERNING THE SALE OF BREAD.

Be it enacted, &c., as follows :

Amendment to G. S. 49, § 8.

SECTION 1. Section eight of chapter forty-nine of the General Statutes is hereby amended by striking out the words "in an action of tort," and inserting instead thereof the words—on complaint or indictment.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1870.

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND FIFTY-EIGHT OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-NINE, CEDING JURISDICTION TO THE UNITED STATES OVER THE SITES OF FORT ANDREW AND FORT STANDISH, AT THE ENTRANCE OF PLYMOUTH HARBOR.

Chap. 396

Be it enacted, &c., as follows :

SECTION 1. Section three of chapter four hundred and fifty-eight, of the acts of the year eighteen hundred and sixty-nine, is hereby amended, so as to read as follows:— This act shall be void, unless a suitable plan of these premises shall be deposited in the office of the secretary of the Commonwealth within six months after the United States has acquired a title by deed.

Amendment to 1869, 458, § 3.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1870.

AN ACT TO INCORPORATE THE SHAWMUT RAILROAD COMPANY.

Chap. 397

Be it enacted, &c., as follows :

SECTION 1. Edmund P. Tileston, Henry L. Pierce and Franklin King, their associates and successors, are hereby made a corporation by the name of the Shawmut Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to railroad corporations.

Corporators.

Name.

Powers and duties.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, with one or more tracks, commencing at some convenient point on the Neponset River in the city of Boston near Granite Bridge, so called, and thence running in a northerly and westerly direction through the sixteenth ward of the city of Boston to the railroad of the Boston, Hartford and Erie Railroad Company, at some convenient point between the Mount Bowdoin and Stoughton Street stations, or to the railroad of the Old Colony and Newport Railway Company, at some convenient point between the Harrison Square and Crescent Avenue stations in said sixteenth ward of Boston, as said Shawmut Railroad Company may elect, crossing in its course the Milton branch railroad of the Old Colony and Newport Railway Company at grade and the Cedar Grove Cemetery in said Boston ; and said corporation may enter with its railroad upon, unite the same with and use the railroad of the Boston, Hartford and Erie Railroad Company, or the railroad of the Old Colony and Newport Railway Company, and either of said last mentioned companies may enter with its railroad upon, unite the same with and use the railroad of said corporation subject to the provisions of the general laws.

May construct road from Neponset River near Granite Bridge to Boston, Hartford and Erie, or Old Colony Railroads.

Capital stock *
and shares.

SECTION 3. The capital stock of said corporation shall not exceed the sum of two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, the number of which shall be determined from time to time by its directors.

To be located in
two years and
built in three
years.

SECTION 4. This act shall take effect upon its passage, and shall be void unless said railroad shall be located within two years, and constructed within three years from the passage hereof.

Approved June 22, 1870.

Chap. 398

AN ACT TO INCORPORATE THE NEW BEDFORD AND MIDDLEBOROUGH RAILROAD COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Jonathan Bourne, Oliver Ames and James D. Thompson, their associates and successors, are hereby made a corporation by the name of the New Bedford and Middleborough Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to railroad corporations.

Name.

Powers and du-
ties.

May construct
railroad from
junction of Old
Colony and
Cape Cod Rail-
roads in Mid-
dleborough to
New Bedford.

SECTION 2. Said corporation is hereby authorized to locate, construct, maintain and operate a railroad with one or more tracks, from some convenient point at or near the junction of the railroads of the Old Colony and Newport Railway Company and the Cape Cod Railroad Company in Middleborough; thence running southerly through the towns of Middleborough, Lakeville, Rochester, Freetown and Acushnet, or any of the same, and east of the Long Pond, through the Assowampset Neck to a convenient point in the town of Acushnet, and thence running on the east side of the Acushnet River through the town of Fairhaven to a terminus at or near Elm Street in the city of New Bedford, or on the west side of said river through the city of New Bedford to the terminus aforesaid, as said corporation may elect. If said corporation shall locate any part of its railroad over any navigable or tide waters, the same shall be constructed in such manner, and with such suitable draws, as the board of harbor commissioners shall direct.

May enter upon
and unite with
Old Colony and
Newport Rail-
way.

SECTION 3. Said corporation may enter with its railroad upon, unite the same with, and use the railroad of the Old Colony and Newport Railway Company, and said last mentioned company may enter with its railroad upon, unite the same with, and use the railroad of said corporation, subject to the provisions of the general laws. In case the railroad of said corporation shall be located and constructed on the west side of the Acushnet River, the New Bedford and

If road is built
on west side of
Acushnet Riv-
er, may be en-

Taunton Railroad Company may enter with its railroad upon, unite the same with, and use the railroad of said corporation, subject to the provisions of the general laws.

SECTION 4. The capital stock of said corporation shall not exceed the sum of seven hundred thousand dollars, nor be less than four hundred thousand dollars, and shall be divided into shares of one hundred dollars each, the number of which shall be determined from time to time by its directors.

Capital stock and shares.

SECTION 5. The Old Colony and Newport Railway Company may subscribe for and hold shares of the capital stock or the securities of said corporation to such an amount (not exceeding one-half the capital stock or securities of said corporation,) as may be authorized by a majority vote upon the stock represented, at a legal meeting of the stockholders of said Old Colony and Newport Railway Company, duly called for the purpose.

Old Colony and Newport Railroad may take stock in road.

SECTION 6. The towns of Lakeville, Middleborough, Acushnet and Fairhaven, may severally subscribe for and hold shares of the capital stock, or the securities of said corporation, to an amount not exceeding five per centum of the valuation of said towns, respectively, for the year in which the subscription shall be made: *provided*, that two-thirds of the legal voters of said towns, respectively, present and voting by ballot, and using the check-list, at a legal meeting, duly called for the purpose, shall vote to subscribe for such shares or securities; and *provided, also*, that the total amount of all subscriptions of said towns, respectively, which have been or may be made to the stock or securities of any railroad corporation or corporations under authority of this or any previous act, shall not exceed five per centum of the assessed valuation of said towns, respectively. Said towns may pay for such shares or securities so voted to be taken, out of their respective treasuries, and may raise by loan upon bonds, or tax, or otherwise, any and all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property; and the selectmen of said towns, respectively, or any agent specially chosen for the purpose, shall have authority to represent said towns, respectively, at any and all meetings of said corporation, and may vote on the whole amount of the stock so held, anything in chapter sixty-three of the General Statutes to the contrary notwithstanding.

Towns of Lakeville, Middleborough, Acushnet and Fairhaven may take stock in road.

Provisos.

SECTION 7. This act shall take effect upon its passage, and shall be void unless said railroad shall be located within two years, and constructed within three years from the passage hereof.

To be located in two years and built in three years.

Approved June 22, 1870.

Chap. 399 AN ACT TO AUTHORIZE THE TOWN OF PITTSFIELD TO TAKE STOCK IN THE LEE AND NEW HAVEN RAILROAD COMPANY.

Be it enacted, §c., as follows:

Pittsfield may subscribe for stock or securities of Lee and New Haven Railroad;

—may pay out of treasury or raise money by loan or tax.

SECTION 1. The town of Pittsfield may subscribe for and hold shares of the capital stock, or the securities of the Lee and New Haven Railroad Company, to an amount not exceeding one hundred thousand dollars: *provided*, that two-thirds of the legal voters of said town, present and voting by ballot, and using the check-list, at a legal meeting duly called for that purpose, shall vote to subscribe for such shares or securities. Said town may pay for such shares or securities, so voted to be taken, out of its treasury, and may raise by loan upon bonds, or tax, or otherwise, any and all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property; and the selectmen of said town, or any agent specially chosen for the purpose, shall have authority to represent said town at any and all meetings of said corporation, and may vote on the whole amount of the stock so held, anything in chapter sixty-three of the General Statutes to the contrary notwithstanding.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1870.

Chap. 400 AN ACT TO REVIVE AN ACT TO AUTHORIZE THE BOSTON AND MAINE RAILROAD TO CHANGE THE LOCATION OF ITS ROAD IN NORTH ANDOVER AND BRADFORD.

Be it enacted, §c., as follows:

Time for location extended one year.

SECTION 1. Section one of chapter seventeen of the acts of the year eighteen hundred and sixty-eight is hereby revived, and the time within which the location therein described may be filed, is extended to one year from the passage of this act.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1870.

Chap. 401 AN ACT IN ADDITION TO AN ACT CONCERNING THE DRAWS IN BRIDGES ACROSS CHARLES AND MILLER'S RIVER AT THE NORTH SIDE OF THE CITY OF BOSTON.

Be it enacted, §c., as follows:

Draws to be thirty-six feet wide.

SECTION 1. Section one of chapter three hundred, section one of chapter three hundred and one, section seven of chapter three hundred and two, and section five of chapter three hundred and three of the acts of the current year, are hereby severally amended by striking out the words "thirty-eight feet" wherever the same occur, and inserting instead thereof the words "thirty-six feet."

SECTION 2. This act shall take effect upon its passage.

Approved June 23, 1870.

AN ACT TO AUTHORIZE THE DISCONTINUANCE OF THE USE OF ONE OF THE VESSELS OF THE MASSACHUSETTS NAUTICAL SCHOOL, AND THE SALE THEREOF.

Chap. 402

Be it enacted, &c., as follows:

SECTION 1. That the governor is authorized to discontinue the use of one of the vessels now in the service of the Massachusetts Nautical School, and with the consent of the council to sell the vessel, the use of which shall have been so discontinued, and to pay the proceeds of such sale into the state treasury.

One vessel of Mass. Nautical School to be sold.

SECTION 2. The trustees of the Massachusetts Nautical School upon such discontinuance being notified to them in writing by the governor, shall transfer the boys upon the said vessel, the use of which shall have been so discontinued, to the other vessel remaining in the service of the said school, or to the State Reform School at Westborough, or otherwise dispose of them as now provided by law, and they shall thereupon with his approval discharge those officers whose services are no longer required.

Boys to be transferred to the remaining vessel.

SECTION 3. The governor may draw upon the appropriation for the current expenses of the said school, for such sum as may be necessary to pay for the custody of the vessel after such discontinuance and for the expenses of the sale thereof.

Expenses of sale, &c.

Approved June 23, 1870.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-SIX OF THE ACTS OF THE CURRENT YEAR, ENTITLED AN ACT TO INCORPORATE THE NEW BEDFORD AND FAIRHAVEN STREET RAILWAY COMPANY.

Chap. 403

Be it enacted, &c., as follows:

SECTION 1. Section four of chapter one hundred and twenty-six of the acts of the present year, is hereby amended, by striking out the word twenty-six and inserting the word seventy-six.

Amendment to 1870, 126, § 4.

SECTION 2. This act shall take effect upon its passage.

Approved June 23, 1870.

AN ACT IN RELATION TO DIVORCE.

Be it enacted, &c., as follows:

Chap. 404

SECTION 1. Hereafter no divorce from bed and board shall be decreed in this Commonwealth. All parties now divorced from bed and board shall be in the same legal condition as if divorced *nisi* under the provisions of this act, and all libels for a divorce from bed and board now pending, shall be construed to be libels for a divorce from the bond of matrimony under this act.

No more divorces from bed and board.

Libels now pending to be construed as for divorce from the bond of matrimony.

Additional causes for which divorces from bond of matrimony may be decreed.

SECTION 2. In addition to the causes now provided by law, a divorce from the bond of matrimony may be decreed for extreme cruelty, utter desertion, gross and confirmed habits of intoxication contracted after marriage, or cruel and abusive treatment by either of the parties; and on the libel of the wife, when the husband, being of sufficient ability, grossly or wantonly and cruelly refuses or neglects to provide suitable maintenance for her.

Court may enter a decree *nisi* and if parties live separately for five years, decree to be made absolute.

SECTION 3. In the cases mentioned in the preceding section, the court shall, if the libellant prevail, enter a decree of divorce *nisi*, and if the parties shall continue to live separately for five consecutive years next after the decree, the court shall, upon proof thereof, make said decree absolute: *provided, however*, that the court may make such decree absolute at any time after the parties shall have lived apart for three consecutive years after the granting of the decree *nisi*. If at any time before the decree of divorce *nisi* is made absolute, the parties live together again, the divorce *nisi* shall become void.

Proviso.

Wife entitled to dower when divorce decreed for adultery by husband, &c.

SECTION 4. When a divorce is decreed for the cause of adultery committed by the husband, or because of his sentence to confinement at hard labor, the wife shall be entitled to her dower in his lands in the same manner as if he were dead. If after a decree of divorce *nisi*, granted on the libel of the wife, the husband die before such decree is made absolute, the wife shall not be barred of her claim to dower. But except as herein before provided, a wife shall not be entitled to dower in any case of divorce.

Upon entry of decree *nisi* in favor of wife, she is entitled to rights under G. S. 107, §§ 40, 43.

SECTION 5. Upon the entry of a decree of divorce *nisi* as provided in this act in favor of the wife, she shall thereupon be entitled to all the rights now conferred upon her by sections forty and forty-three of chapter one hundred and seven of the General Statutes, upon divorce from bed and board. Sections nine, ten and thirty-eight of said chapter are hereby repealed.

Rights already acquired not affected.

SECTION 6. Nothing herein contained shall be construed to deprive any party of any rights already acquired.

Approved June 23, 1870.

Chap. 405

AN ACT TO INCORPORATE THE SOUTHBIDGE AND PALMER RAILROAD COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. S. C. Hartwell, Emory L. Bates, James G. Allen, their associates and successors, are hereby made a corporation by the name of the Southbridge and Palmer Railroad Company; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth

Name.

Powers and duties.

in the general laws which now are or hereafter may be in force relating to railroad corporations.

SECTION 2. Said corporation is hereby authorized to locate, construct, maintain and operate a railroad, with one or more tracks, commencing at some convenient point on the Boston, Hartford and Erie Railroad in the town of Southbridge, and thence running up the valley of the Quinebaug River through the towns of Southbridge, Sturbridge and Brimfield; thence through said town of Brimfield to the valley of the Elbow brook in the west part of the town; thence by said last named valley and the valley of the Quaboag River, through the towns of Monson and Palmer to some point on the line of the Boston and Albany Railroad, the New London Northern Railroad, or the Ware River Railroad, at or near the junction of said railroads in said town of Palmer.

May build road from Boston, Hartford and Erie in Southbridge, through Monson and Palmer, to the Boston and Albany Railroad, &c.

SECTION 3. Said corporation may enter with its railroad upon, unite the same with, and use the railroad of the Boston, Hartford and Erie Railroad Company at Southbridge, the railroads of the Boston and Albany Railroad Company, the New London Northern Railroad Company, and the Ware River Railroad Company, or either of them, at Palmer, and each of the said several railroad companies may respectively enter with its road upon, unite the same with, and use the road of the Southbridge and Palmer Railroad Company, subject to the provisions of the general laws.

May enter upon and use Boston, Hartford and Erie, Boston and Albany, &c.

SECTION 4. The capital stock of said corporation shall not exceed the sum of eight hundred thousand dollars, nor be less than three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, the number of which shall be determined from time to time by its directors.

Capital stock and shares.

SECTION 5. The towns of Southbridge, Sturbridge, Brimfield, Holland, Wales and Palmer may severally subscribe for and hold shares of the capital stock, or the securities of said railroad corporation to an amount not exceeding five per centum of the valuation of said towns, respectively, for the year in which the subscription shall be made: *provided*, that two-thirds of the legal voters of said towns, respectively, present and voting by ballot, and using the check-list, at a legal meeting, duly called for the purpose, shall vote to subscribe for such shares or securities; and *provided, also*, that the total amount of all subscriptions of said towns, respectively, which have been or may be made to the stock or securities of any railroad corporation or corporations under authority of this or any previous act, shall not exceed five per centum of the assessed valuation of said towns, respectively. Said towns may pay, for such shares or securities, so

Southbridge, Sturbridge, Brimfield, Holland, Wales and Palmer may take stock in road.

Provisos.

voted to be taken out of their respective treasuries, and may raise by loan upon bonds, or tax, or otherwise, any and all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property; and the selectmen of said towns, respectively, or any agent specially chosen for the purpose, shall have authority to represent said towns, respectively, at any and all meetings of said corporation, and may vote on the whole amount of the stock so held, anything in chapter sixty-three of the General Statutes to the contrary notwithstanding.

May mortgage road and franchise to secure indebtedness, *Sec.*

SECTION 6. Said corporation is hereby authorized to mortgage its railroad, franchise and other property, real or personal, then or thereafter acquired, to secure any contracts, indebtedness or bonds that may at any time be made or issued by said corporation in accordance with the laws of the Commonwealth.

May sell road and franchise.

SECTION 7. Said corporation is hereby authorized to sell or lease its railroad, franchise and other property, or such parts of said railroad as may from time to time be completed, to the Boston, Hartford and Erie Railroad Company, the Boston and Albany Railroad Company, the New London Northern Railroad Company or the Ware River Railroad Company, upon such terms as may be agreed upon by the directors of the contracting corporations. And either of said companies are hereby authorized to purchase or hire the same.

To be located within three years and built within six years.

SECTION 8. This act shall take effect upon its passage, and shall be void unless said railroad shall be located within three years, and constructed within six years from the passage hereof.

Approved June 23, 1870.

Chap. 406

AN ACT TO AUTHORIZE SETH WHITTIER AND ALBERT R. WHITTIER TO CONSTRUCT A WHARF ON SOUTH BAY.

Be it enacted, &c., as follows:

May construct wharf on southeasterly side of Albany Street in Boston.

SECTION 1. License is hereby granted to Seth Whittier and Albert R. Whittier to construct a wharf on the southeasterly side of Albany Street, upon flats there owned by them lying on the northerly side of the flats of the Hinkley and Williams works, and extend the same to the commissioners' line on South Bay, subject to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and to the provisions of sections one, two and three of chapter four hundred and thirty-two of the acts of the year eighteen hundred sixty-nine; with the right to lay vessels at the end of said wharf, and to receive wharfage and dockage therefor, and such right to lay vessels at the sides of said wharf and to receive wharf-

May receive wharfage and dockage.

age and dockage therefor as the harbor commissioners shall prescribe.

SECTION 2. This act shall take effect upon its passage.

Approved June 23, 1870.

AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Chap. 407

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit:—

Appropriations authorized.

In the act, chapter two hundred and one, establishing the district court of Northern Berkshire, seven hundred forty-eight dollars and thirty-nine cents for the salary of the standing justice, and two hundred forty dollars and eighty-six cents for the salary of the clerk of said court, for the present year.

District court of Northern Berkshire, standing justice and clerk.

In the act, chapter two hundred and two, establishing the district court of Southern Berkshire, a sum not exceeding six hundred dollars for the salary of the standing justice of said court, for the present year.

District court of Southern Berkshire, standing justice.

In the act, chapter two hundred and thirteen, incorporating the town of Gay Head, a sum not exceeding five thousand dollars for the construction of the road therein authorized ; and a further sum not exceeding one hundred dollars for the expenses of the commissioners and for recording deeds, as provided in said act.

Construction of road, &c., in Gay Head.

In the act, chapter two hundred and twenty-four, concerning manufacturing and other corporations, a sum not exceeding three hundred and fifty dollars for the salary and three hundred dollars for the incidental expenses of the commissioner, as therein provided, for the present year.

Commissioner of corporations.

In the act, chapter two hundred and thirty-eight, concerning the state lunatic hospital at Worcester, a sum not exceeding one hundred thousand dollars.

Lunatic hospital, Worcester.

In the act, chapter two hundred and forty-four, in relation to the salary of the commissioner of savings banks, a sum not exceeding three hundred dollars.

Commissioner of savings banks.

In the act, chapter two hundred and fifty, authorizing a fund for expenses of the executive department, a sum not exceeding five thousand dollars.

Executive department.

In the act, chapter two hundred and eighty-six, relating to the establishment of meridian lines and regulating the practice of surveying in this state, a sum not exceeding two thou-

Establishment of meridian lines.

sand five hundred dollars for the compensation of the commissioner therein authorized.

Cashier of
treasury.

In the act, chapter three hundred and seventeen, establishing the salary of the cashier of the treasury department, a sum not exceeding three hundred dollars.

Municipal court
of Dorchester
district.

In the act, chapter three hundred and thirty-three, establishing the municipal court of the Dorchester district in Boston, a sum not exceeding six hundred and seventy-five dollars for the salary of the standing justice of said court, for the present year.

Asylum for dis-
charged female
prisoners.

In the resolve, chapter six, in favor of the temporary asylum for discharged female prisoners, the sum of two thousand five hundred dollars.

Caroline
Brigham.

In the resolve, chapter seven, in favor of Caroline Brigham, the sum of eighty-eight dollars.

Springfield
home for friend-
less women, &c.

In the resolve, chapter nine, in favor of the Springfield home for friendless women and children, the sum of two thousand dollars.

New England
hospital for
women, &c.

In the resolve, chapter ten, in favor of the New England hospital for women and children, the sum of one thousand dollars.

Lyman
Dimock.

In the resolve, chapter eleven, in favor of Lyman Dimock, the sum of seventeen dollars.

Taunton.

In the resolve, chapter thirteen, in favor of the city of Taunton, the sum of two hundred and seventy-five dollars.

State alms-
house, Monson.

In the resolve, chapter fourteen, in favor of the state almshouse and primary school at Monson, a sum not exceeding sixteen thousand dollars.

In the resolve, chapter sixteen, providing for the purchase of land and for certain repairs and improvements at the state almshouse and primary school at Monson, a sum not exceeding seven thousand five hundred dollars.

Special laws.

In the resolve, chapter twenty-one, providing for the publication of certain special laws, a sum not exceeding seven thousand dollars.

Darius Negus.

In the resolve, chapter twenty-two, in favor of Darius Negus, the sum of one hundred and ninety-two dollars.

Mass. eye and
ear infirmary.

In the resolve, chapter twenty-six, in aid of the Massachusetts charitable eye and ear infirmary, the sum of six thousand dollars.

Washingtonian
home.

In the resolve, chapter twenty-seven, in favor of the Washingtonian home, the sum of six thousand dollars.

House of the
angel guardian.

In the resolve, chapter twenty-eight, in favor of the house of the angel guardian, the sum of three thousand five hundred dollars.

In the resolve, chapter thirty, in favor of Louisa Gould, the sum of forty-four dollars.

Louisa Gould.

In the resolve, chapter thirty-one, in favor of Lucretia W. Daniels, the sum of ninety-six dollars.

Lucretia W. Daniels.

In the resolve, chapter thirty-two, relating to the normal school-house in Salem, a sum not exceeding twenty-five thousand dollars, the same to be reimbursed to the treasury in accordance with the provisions of said resolve.

Normal school-house in Salem.

In the resolve, chapter thirty-three, in favor of certain officers of the volunteer militia, a sum not exceeding one thousand two hundred seventeen dollars and sixty-six cents.

Officers of the volunteer militia.

In the resolve, chapter thirty-seven, in favor of Sarah Sadler, the sum of forty-eight dollars.

Sarah Sadler.

In the resolve, chapter thirty-eight, in favor of Catherine Reed, the sum of sixty dollars.

Catherine Reed.

In the resolve, chapter thirty-nine, in favor of Edwin Mayberry, the sum of one hundred thirty-eight dollars and twenty-six cents.

Edwin Mayberry.

In the resolve, chapter forty, granting aid for the schools of the district of Marshpee, the sum of one hundred and fifty dollars, payable from the moiety of the school fund, applicable to educational purposes.

Marshpee district, schools.

In the resolve, chapter forty-one, relating to fish culture, a sum not exceeding four thousand dollars.

Fish culture.

In the resolve, chapter forty-three, in favor of Jane Parks, the sum of two hundred dollars for the present year.

Jane Parks.

In the resolve, chapter forty-five, in favor of Oramel Martin, the sum of three hundred and eighty-five dollars.

Oramel Martin.

In the resolve, chapter forty-six, in favor of Oliver Goodspeed, a sum not exceeding one hundred and sixty-eight dollars.

Oliver Goodspeed.

In the resolve, chapter forty-seven, in favor of the disabled soldiers' employment bureau, the sum of two thousand five hundred dollars.

Disabled soldiers' employment bureau.

In the resolve, chapter fifty-one, in relation to disabled soldiers, a sum not exceeding six thousand dollars.

Disabled soldiers.

In the resolve, chapter fifty-two, relating to the purchase and distribution of Samuels' report on the birds of New England, a sum not exceeding four thousand dollars.

Samuels' birds of New England.

In the resolve, chapter fifty-three, in favor of the New England moral reform society, the sum of one thousand dollars.

New England moral reform society.

In the resolve, chapter fifty-five, in favor of Andrew R. Earl, a sum not exceeding one hundred and twenty dollars.

Andrew R. Earl.

In the resolve, chapter fifty-six, in favor of David Pulsifer, the sum of seven hundred and fifty dollars.

David Pulsifer.

Laborers on
state house.

In the resolve, chapter fifty-nine, providing for the payment of certain laborers on the state house, a sum not exceeding seven hundred fifty-five dollars and eighty-six cents.

State aid under
special laws.

For the payment of state aid, as authorized in sundry special acts and resolves, a sum not exceeding one thousand five hundred dollars.

Tax commis-
sioner, clerical
assistance.
1865, 283; 1870,
317.

For such clerical assistance as the tax commissioner may find necessary, a sum not exceeding seven hundred and fifty dollars in addition to the appropriation heretofore made.

Amos Brown.

For the compensation of Amos Brown for damage to buildings in process of erection in accordance with the provisions of chapter thirty-six of the resolves of eighteen hundred and sixty-nine, a sum not exceeding nine hundred and thirty-two dollars, in pursuance of an order of the house of June third.

Surgeon-gen-
eral.
1861, 219; 1866,
298, 299.

For such clerical assistance as the surgeon-general may find necessary, a sum not exceeding one thousand five hundred dollars, and for the salary of the messenger of the surgeon-general, a sum not exceeding nine hundred dollars, the same to be in addition to the appropriations heretofore made.

Printing public
documents.
G. S. 4.

For printing the public series of documents in the last quarter of the year eighteen hundred and sixty-nine, under the direction of the secretary of the Commonwealth, a sum not exceeding two thousand five hundred dollars in addition to the appropriation heretofore made.

Pamphlet edi-
tion of general
laws.
G. S. 3; 1866,
65.

For printing the pamphlet edition of the general acts and resolves of the present year, a sum not exceeding three thousand eight hundred dollars in addition to the appropriation heretofore made.

"Blue book"
edition of acts
and resolves.
G. S. 3.

For printing and binding the "blue book" edition of the acts and resolves of the present year, a sum not exceeding two thousand dollars in addition to the appropriation heretofore made.

Secretary,
incidental
expenses.
G. S. 14.

For the incidental expenses of the secretary's department, a sum not exceeding two hundred dollars for binding the census returns for the year eighteen hundred and sixty.

Engraving and
printing state
scrip.

For the engraving and printing of state scrip authorized under the provisions of chapter four hundred and forty-six of the acts of the year eighteen hundred and sixty-nine, relative to the purchase of certain lands for the benefit of the flats of the Commonwealth in Boston harbor, a sum not exceeding one hundred and fifty dollars.

Printing and
binding for
senate.
Res. 1856, 74.

For printing and binding for the senate, for the year eighteen hundred and sixty-nine, a sum not exceeding ninety-three dollars and thirty-five cents.

Secretary, inci-
dental ex-
penses, 1869.

For the incidental expenses of the secretary's department for the year eighteen hundred and sixty-nine, a sum not ex-

ceeding one hundred and thirty-five dollars in addition to the appropriation heretofore made.

For the completion of the record of Massachusetts soldiers, as authorized by chapter ninety-eight of the resolves of the year eighteen hundred and sixty-six, a sum not exceeding twenty-seven thousand dollars.

Record Mass. volunteers.

For testimonials to Massachusetts soldiers and sailors, as authorized by chapter fifty-three of the resolves of the year eighteen hundred and sixty-nine, a sum not exceeding ten thousand five hundred dollars in addition to the appropriation heretofore made.

Testimonials to soldiers and sailors.

For quartermaster's supplies, a sum not exceeding twenty thousand dollars.

Quartermaster's supplies. 1869, 219; 1867, 266.

For printing and binding for the senate and house of representatives, a sum not exceeding five thousand dollars in addition to the sum heretofore appropriated.

Printing and binding senate and house of representatives. Res. 1856, 74.

For printing the supplement to the General Statutes, a sum not exceeding three hundred dollars in addition to the appropriation heretofore made.

Supplement to General Statutes. Res. 1867, 18.

For the compensation and expenses of the commissioners on fisheries, a sum not exceeding one thousand dollars.

Commissioners on fisheries. 1866, 238.

For extraordinary repairs and improvements on the state house, under the direction of the sergeant-at-arms, as recommended by the legislative committee on the state house, a sum not exceeding three thousand six hundred dollars; and for furnishing the senate lobbies, as ordered by the senate, a sum not exceeding four hundred and fifty dollars; and for the ordinary repairs, improvements and furniture for the state house, a sum not exceeding three thousand dollars, the latter in addition to the appropriation heretofore made.

State house, repairs, &c. G. S. 5, § 9; 14, § 62.

For the contingent expenses of the senate and house of representatives, a sum not exceeding one thousand dollars in addition to the appropriation heretofore made.

Contingent expenses of senate and house. G. S. 14.

For expenses of the board of state charities, a sum not exceeding two hundred dollars in addition to the appropriation heretofore made.

Board of state charities. 1863, 240.

For expenses incurred in the support of state pauper convicts, a sum not exceeding two hundred dollars.

State pauper convicts. 1864, 169.

SECTION 2. This act shall take effect upon its passage.

Approved June 23, 1870.

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Chap. 408

Be it enacted, §c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth,

Appropriations authorized.

from the ordinary revenue, except in cases otherwise ordered, for the purposes specified in several acts and resolves of the present year, and for other purposes, to wit:—

District-attorney for Suffolk.

In the act, chapter three hundred and sixty-one, to increase the salary of the district-attorney for the Suffolk district, the sum of one thousand five hundred dollars in addition to the appropriation heretofore made.

Commissioners of prisons.

In the act, chapter three hundred and seventy, concerning the appointment of commissioners of prisons and the classification and better discipline of prisoners, a sum not exceeding one thousand dollars for the salary of the secretary, and a sum not exceeding five hundred dollars for expenses of the commissioners therein provided for.

Secretary and auditor.

In the act, chapter three hundred and eighty, establishing the salaries of the secretary and auditor of accounts of the Commonwealth, a sum not exceeding one thousand dollars for each, the same to be in addition to the appropriations heretofore made.

William F. Jordan.

In the resolve, chapter sixty-four, in favor of William F. Jordan, a sum not exceeding two hundred and ninety dollars for the present year.

Nathaniel Ruggles.

In the resolve, chapter sixty-five, in favor of Nathaniel Ruggles, the sum of forty-five dollars and fifty cents.

William Adams.

In the resolve, chapter sixty-six, in favor of William Adams, the sum of two hundred thirty-five dollars and fifty cents.

Josephine Rogers.

In the resolve, chapter sixty-seven, in favor of Josephine Rogers, the sum of forty-four dollars.

Reports, laws, weights, &c.

In the resolve, chapter seventy, to provide certain towns therein named with law reports, and general and special laws, and with standard weights, measures and balances, a sum not exceeding four thousand five hundred dollars.

Codification of railroad laws.

In the resolve, chapter seventy-one, relating to the codification of the general railroad laws, and to other matters therein specified, a sum not exceeding two thousand dollars.

Schools of Gay Head.

In the resolve, chapter seventy-two, in favor of the schools of Gay Head, the sum of one hundred and fifty dollars, payable from the moiety of the income of the Massachusetts school fund applicable to educational purposes.

Bureau of statistics and labor.

In the resolve, chapter seventy-four, concerning the bureau of statistics and labor, a sum not exceeding two thousand five hundred dollars, in addition to the appropriation heretofore made.

Agricultural college.

In the resolve, chapter seventy-five, in favor of the agricultural college, the sum of twenty-five thousand dollars.

In the resolve, chapter seventy-six, in favor of Julia A. Rogers, the sum of forty-four dollars.

Julia A.
Rogers.

In the resolve, chapter seventy-seven, relating to Schouler's history of Massachusetts in the rebellion, a sum not exceeding five thousand dollars.

Schouler's his-
tory.

In the resolve in favor of John F. Doherty, the sum of sixty dollars.

John F.
Doherty.

In the resolve in favor of the house of the Good Shepherd, a sum not exceeding ten thousand dollars.

House of the
Good Shepherd.

In the resolve in favor of Peter and James Dougherty, the sum of thirty-two dollars.

Peter and
James
Dougherty.

In the resolve fixing the compensation of the members of of the legislature and executive council, and of other persons therein named, a sum not exceeding two hundred nine thousand nine hundred dollars, viz.:—For the compensation of senators twenty-one thousand six hundred dollars; for the compensation of representatives one hundred fifty-eight thousand five hundred dollars; for the compensation of the chaplains of the senate and house of representatives four hundred dollars; for the compensation of the preacher of the election sermon one hundred dollars; for the compensation of the lieutenant-governor and members of the executive council eight thousand dollars; for the compensation of door-keepers, messengers and pages of the senate and house of representatives, nineteen thousand seven hundred dollars; and for additional clerical assistance to the clerks of the senate and house, eight hundred dollars each, the same to be in addition to the appropriations heretofore made for said purposes.

Legislature and
executive coun-
cil, chaplains,
officers, &c.

For engineering and other expenses connected with the Commonwealth's supervision of the Hoosac tunnel, a sum not exceeding twenty thousand dollars.

Hoosac tunnel.

For military accounts a sum not exceeding two thousand six hundred sixty-two dollars and forty-two cents for military expenses incurred in connection with the funeral of the late George Peabody, the same to be in addition to the appropriation heretofore made for military accounts.

Peabody obse-
quies.

For the contingent expenses of the executive council, a sum not exceeding one thousand dollars in addition to the appropriation heretofore made.

Executive
council.

For the completion of the record of Massachusetts soldiers as authorized by chapter ninety-eight of the resolves of the year eighteen hundred and sixty-six, a sum not exceeding three thousand five hundred dollars in addition to the appropriation heretofore made.

Record of Mass.
soldiers.

House committee of 1869, on the Commonwealth's flats.

For the compensation and expenses of the house committee on the Commonwealth's flats, appointed in the year eighteen hundred and sixty-nine, a sum not exceeding one thousand two hundred twenty-one dollars and eighty-five cents.

Advertising, messenger, &c.

For sundry advertising, and for the compensation of the messenger and engineer of the house committee on the Commonwealth's flats appointed in the year eighteen hundred and sixty-nine, a sum not exceeding five hundred seven dollars and twenty cents.

Salute.

For firing a salute in commemoration of the acceptance of the fifteenth amendment, as ordered by the legislature, a sum not exceeding one hundred and sixty-five dollars.

Report of shareholders in national banks.

For printing the report of the shareholders in national banks, a sum not exceeding three hundred sixty-one dollars and forty-five cents, in addition to the appropriation heretofore made.

Stationery for house of representatives.

For stationery ordered by the clerk of the house of representatives, a sum not exceeding three hundred dollars in addition to the appropriation heretofore made.

Clerks of senate and house of representatives.

For the compensation of the clerk of the senate and clerk of the house each, five hundred dollars in addition to the sum heretofore appropriated, which shall be allowed and paid.

Reporter of decisions of S. J. C.

For the reporter of the decisions of the supreme judicial court in addition to his salary, a sum not exceeding five hundred dollars, to be used exclusively for clerical assistance.

SECTION 2. This act shall take effect upon its passage.

Approved June 23, 1870.

Chap. 409

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Appropriations authorized.

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, except in cases otherwise ordered, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit :—

Troy and Greenfield Railroad.

In the act, chapter two hundred and fifty-two, concerning the Troy and Greenfield Railroad, a sum not exceeding one hundred thousand dollars.

Advisory board, commissioners of prisons.

In the act, chapter three hundred and seventy, concerning the appointment of commissioners of prisons, a sum not exceeding two hundred dollars for expenses of the advisory board of overseers therein provided for.

Amzi Hosmer.

In the resolve in favor of Amzi Hosmer, the sum of eighty-eight dollars.

For fees and expenses for summoning witnesses before committees of the legislature in eighteen hundred and seventy and previous years, a sum not exceeding two hundred dollars. For expenses of legislative committees, a sum not exceeding one thousand dollars in addition to the appropriation heretofore made for the present year. Legislative expenses.

For the compensation and expenses of the state police with the maximum force from January first, to February fifteenth of the present year, a sum not exceeding fifteen thousand dollars. State police.

SECTION 2. This act shall take effect upon its passage.

Approved June 23, 1870.

RESOLVES,

GENERAL AND SPECIAL.

RESOLVE FOR PROVIDING BOARDING-HOUSES FOR THE STATE NORMAL SCHOOLS AT BRIDGEWATER AND FRAMINGHAM.

Chap. 1.

Resolved, That the commissioners of the Massachusetts school fund be, and they are hereby authorized and directed, with the approval of the governor and council, to loan from said fund to the board of education, in addition to the sums named in the seventeenth and seventy-eighth chapters of the resolves of the year one thousand eight hundred and sixty-nine, a sum not exceeding fifteen hundred dollars for providing and furnishing a boarding-house for the state normal school at Bridgewater, and a sum not exceeding six thousand five hundred dollars for providing and furnishing a boarding-house for the state normal school at Framingham.

Commissioners of school fund may loan money to board of education for boarding-houses for normal schools at Bridgewater and Framingham.

Said loans to be made upon the terms and conditions expressed in said seventeenth chapter of the resolves of the year one thousand eight hundred and sixty-nine.

Approved February 7, 1870.

RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF THE REVENUE.

Chap. 2.

Resolved, That the treasurer and receiver-general be, and he hereby is, authorized to borrow, in anticipation of the receipts of the present year, such sums of money as may, from time to time, be necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next general court, at such rate of interest as shall be found necessary; and that he repay any sum he may borrow under this resolve, as soon as money sufficient for the purpose and not otherwise appropriated shall be received into the treasury.

Treasurer may borrow money to meet ordinary demands upon treasury.

Approved February 11, 1870.

RESOLVE IN RELATION TO A CERTAIN DEED OF THOMAS LOOBY.

Chap. 3.

Resolved, That the deed from Thomas Looby, administrator of the estate of Edward Keating, late of Salem in this Commonwealth, deceased, to Samuel F. Larrabee, which

Deed from Thomas Looby, administrator, confirmed.

deed is recorded in the registry of deeds for the southern district of Essex, in book 588, page 27, shall be as valid to pass an estate in fee simple, in and to the lands therein described, as if the said administrator had not exceeded his authority in selling more lands than his license authorized.

Approved February 11, 1870.

Chap. 4. RESOLVE AUTHORIZING THE GOVERNOR TO EMPLOY FOR THE PRESENT YEAR ADDITIONAL CLERICAL ASSISTANCE.

Additional
clerical assist-
ance.

Resolved, That his excellency the governor, be authorized to employ for the present year such clerical assistance as he may deem necessary, in copying the correspondence of the executive department growing out of the exigencies of the late war; and that there be allowed and paid for this purpose out of the treasury of the Commonwealth, a sum not exceeding two thousand four hundred dollars.

Approved February 11, 1870.

Chap. 5. RESOLVE PROVIDING FOR THE COMPLETION OF DWELLING-HOUSES FOR THE USE OF THE OFFICERS OF THE STATE PRISON.

Allowance of
\$5,000 to com-
plete dwelling-
houses at state
prison.

Resolved, That in addition to the sum of twenty-five thousand dollars, provided by chapter thirty-six of the resolves of the year eighteen hundred and sixty-nine, for building twelve dwelling-houses for the use of the officers of the state prison, the governor and council are hereby authorized to expend a further sum of five thousand dollars in completing said dwelling-houses, grading the yards, and in building necessary fences around the same; the money which may be appropriated for this purpose to come out of the unexpended balance of the sum provided by chapter ninety-nine of the resolves of the year eighteen hundred and sixty-nine, for reconstructing workshops at the prison. *Approved February 17, 1870.*

Chap. 6. RESOLVE IN FAVOR OF THE TEMPORARY ASYLUM FOR DISCHARGED FEMALE PRISONERS AT DEDHAM.

Allowance of
\$2,500, if a like
sum is realized
during the year
from private
donations.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of twenty-five hundred dollars to the Temporary Asylum for Discharged Female Prisoners at Dedham: *provided*, that a like sum for the purposes of said asylum shall be realized during the current year from private donations, a sworn certificate of which shall be deposited with the auditor of the Commonwealth before said sum of twenty-five hundred dollars shall be paid out of the treasury. The managers of said asylum shall report to the board of state charities an account of its receipts and expenditures for the current year, in accordance with the provisions of chapter two hundred and forty-three of the acts of the year eighteen hundred and sixty-seven.

Approved February 21, 1870.

RESOLVE IN FAVOR OF CAROLINE BRIGHAM.

Chap. 7.

Allowance for
state aid.

Resolved, For reasons set forth in the petition of Caroline Brigham, that she be allowed and paid out of the treasury of the Commonwealth the sum of eighty-eight dollars, and that from and after January first, eighteen hundred and seventy, she receive the same state aid that she would be entitled to receive had her husband, at the time of his death, be counted in the quota of Massachusetts. *Approved February 21, 1870.*

RESOLVE DIRECTING THE TRANSFER OF TWO HUNDRED THOUSAND DOLLARS TO THE MASSACHUSETTS WAR LOAN SINKING FUND.

Chap. 8.

Proceeds of
sales of Back
Bay lands.

Whereas, Chapter seventy of the resolves of the year one thousand eight hundred and fifty-seven, provides that all money received as the proceeds of the sales of lands in the Back Bay shall be paid into the treasury of the Commonwealth, and that the governor may, from time to time, draw his warrant on the treasury, payable to the order of the commissioners on the Back Bay, for so much of said proceeds of sales, not exceeding one moiety, as the commissioners may require for the purposes named in said resolve; and,

Whereas, Chapter one hundred and twenty-three of the acts of the year eighteen hundred and sixty-five, provides that all the receipts from the sales of Back Bay lands, less the expenses of commissioners, and of filling and preparing the lands for sale, and also, all the net receipts from sales of other public lands or flats not already appropriated for specific purposes, shall be paid to the sinking fund, established for the redemption of the Massachusetts War Fund; and,

Whereas, There is now in the treasury to the credit of the commissioners on the Back Bay a balance of the moiety of receipts greater than will be required for the prospective operations of said commissioners;

Resolved, That the treasurer of the Commonwealth be directed to transfer the sum of two hundred thousand dollars from the credit of the commissioners on the Back Bay to the sinking fund established for the redemption of the Massachusetts War Loan Fund. *Approved February 28, 1870.*

\$200,000 to be
transferred to
Mass. War Loan
Sinking Fund.

RESOLVE IN FAVOR OF THE SPRINGFIELD HOME FOR FRIENDLESS WOMEN AND CHILDREN.

Chap. 9.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of two thousand dollars to the Springfield Home for Friendless Women and Children: *provided*, that the said institution shall, during the current year, realize a like sum from private donations, a sworn certificate of which shall be deposited with the auditor before said sum of two thousand dollars shall be paid from

\$2,000 to
Springfield
Home for
Friendless
Women, if like
sum is realized
from private
donations.

the treasury. The managers of said home shall report to the board of state charities, as required by chapter two hundred and forty-three of the acts of the year eighteen hundred and sixty-seven.

Approved March 11, 1870.

Chap. 10. RESOLVE IN FAVOR OF THE NEW ENGLAND HOSPITAL FOR WOMEN AND CHILDREN.

Allowance of \$1,000 for support of indigent patients.

Provisos.

Resolved, That there be allowed and paid to the New England Hospital for Women and Children, out of the treasury of the Commonwealth, the sum of one thousand dollars, to aid in defraying the expenses of indigent patients in said institution: *provided*, that the secretary and agent of the board of state charities shall have authority to visit said hospital for the examination of cases of pauperism; and the agent shall use all reasonable care to collect the cost of support in such cases from parties legally chargeable therewith, and to remove patients having no settlement in this Commonwealth; and *provided, also*, that an equal amount shall be raised from other sources for the purposes of the institution; and *provided, also*, that the managers of said hospital shall report to the board of state charities, as required by chapter two hundred and forty-three of the acts of the year eighteen hundred and sixty-seven.

Approved March 11, 1870.

Chap. 11. RESOLVE IN FAVOR OF LYMAN DIMOCK.

Allowance for mileage.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Lyman Dimock, of Palmer, the sum of seventeen dollars, for mileage as a member of the house of representatives of eighteen hundred and sixty-nine.

Approved March 11, 1870.

Chap. 12. RESOLVE AUTHORIZING THE ISSUE OF ARMS TO THE HIGH SCHOOL OF CHARLESTOWN.

Governor may issue arms to Charlestown for use of high school.

Resolved, That the governor be, and is hereby authorized to issue to the city of Charlestown such arms for the use of the high school in said city, as in his judgment, may be so distributed without detriment to the militia service: *provided*, the city of Charlestown shall be held responsible for the return of said arms in good order and condition, whenever the governor shall so direct.

Approved March 11, 1870.

Chap. 13. RESOLVE IN FAVOR OF THE CITY OF TAUNTON.

Allowance of \$275.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the city of Taunton, the sum of two hundred and seventy-five dollars, for rent of armory.

Approved March 15, 1870.

RESOLVE IN FAVOR OF THE STATE ALMSHOUSE AND PRIMARY SCHOOL AT MONSON.

Chap. 14.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding sixteen thousand dollars, for the purpose of furnishing the state almshouse and primary school at Monson, with the proper apparatus for heating the same by steam; the same to be payable upon properly approved vouchers, filed with the auditor.

Allowance of \$16,000 for steam heating apparatus.

Approved March 15, 1870.

RESOLVE EXTENDING THE TIME FOR DISTRIBUTING CERTAIN REPORTS OF THE CASES ARGUED IN THE SUPREME JUDICIAL COURT.

Chap. 15.

Resolved, That the time limited in section three, chapter two hundred and sixty-five of the acts of the year eighteen hundred fifty-nine, within which the secretary of the Commonwealth is authorized to furnish past volumes of certain reports of the cases argued and determined in the supreme judicial court, prior to the passage of said act, to such towns as have not received said reports, if such towns shall apply, making oath as is provided in said act, be extended to a period six months from the passage of this resolve.

Time extended for distribution of term reports.

Approved March 23, 1870.

RESOLVE PROVIDING FOR THE PURCHASE OF LAND, AND CERTAIN REPAIRS AND IMPROVEMENTS AT THE STATE ALMSHOUSE AND PRIMARY SCHOOL AT MONSON.

Chap. 16.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, a sum not exceeding two thousand dollars, for the purchase of twenty-seven acres of additional pasture land for the state almshouse and primary school at Monson; and a further sum not exceeding five thousand five hundred dollars, for relaying floors, renewing kettles, building wood and coal sheds, raising and repairing one of the barns, and making such other alterations and repairs as are required at said institution.

Allowance of \$7,500 for purchase of land, making repairs, &c., at state almshouse at Monson.

Approved March 23, 1870.

RESOLVES CONCERNING THE CAPE COD SHIP CANAL.

Chap. 17.

Resolved, That the proposed Cape Cod Ship Canal being a work of national importance, the general government should, in our opinion, aid that enterprise by the construction of a breakwater at the eastern end of the canal, when completed, and give in advance assurance of such aid; and that we respectfully request Congress to make a sufficient grant for the purpose, payable in proportion as the work progresses, or in such other way as may seem fit.

Governor requested to transmit resolution to members of congress.

Resolved, That the governor be and he is hereby requested to transmit to each of the senators and representatives of this Commonwealth a copy of the foregoing resolve.

Approved April 2, 1870.

Chap. 18.

Allowance for
state aid.

RESOLVE IN FAVOR OF MARY DONNOVAN.

Resolved, That for reasons set forth in the petition of Mary Donovan, there be allowed and paid to her from the first day of January of the present year, the same amount of state aid that she would have been entitled to receive if the cause of the death of her husband had been directly traceable to disease contracted in the army.

Approved April 2, 1870.

Chap. 19.

RESOLVE AUTHORIZING THE ISSUE OF ARMS TO THE BOSTON COLLEGE IN THE CITY OF BOSTON.

Governor may
issue arms to
Boston College.

Resolved, That the governor be and is hereby authorized to issue to the president of the Boston College, in the city of Boston, such arms, for the use of said college, as, in his judgment, may be so distributed without detriment to the militia service: *provided*, the president and faculty of said college shall give a bond, with sufficient sureties, for the return in good order and condition of said arms, whenever the governor shall so direct.

Approved April 12, 1870.

Proviso.

Chap. 20.

RESOLVES PROVIDING FOR THE DISTRIBUTION OF THE PROVINCIAL LAWS.

Distribution of
provincial laws.

Resolved, That the acts and laws of the province of the Massachusetts Bay, printed under authority of chapter eighty-seven of the resolves of the year eighteen hundred sixty-seven, be sent by the secretary of the Commonwealth to the same persons and corporations to whom the term reports of the supreme judicial court are now sent by law; that in addition thereto, copies thereof not exceeding three hundred in number, be distributed in such manner as the secretary of the Commonwealth, and the commissioners appointed to superintend the printing of said laws shall determine; and that the secretary be authorized to sell the remainder of the edition in sets for the benefit of the Commonwealth, at a sum equal to the average cost of paper, printing and binding.

Repeal.

Resolved, That so much of chapter eighty-seven of the resolves of the year eighteen hundred sixty-seven as provides for the distribution of said laws be, and hereby is, repealed.

Approved April 15, 1870.

RESOLVES PROVIDING FOR THE PUBLICATION OF CERTAIN SPECIAL LAWS. *Chap. 21.*

Resolved, That the special acts of this Commonwealth, passed from the year one thousand eight hundred and sixty-six, to the year one thousand eight hundred and seventy, both years inclusive, be collated and published under the direction of the secretary of the Commonwealth, in a volume as nearly as may be in conformity with the volumes of the special laws heretofore published, and that a full and complete index of the matter contained therein be appended to said volume.

Special laws passed between 1866 and 1870 inclusive, to be published.

Resolved, That fifteen hundred copies of the special laws aforesaid shall be printed, and shall be distributed as follows: One hundred copies for the use of the various offices and committee rooms, and for the two branches of the legislature; two hundred copies for the state library, for duplicates and exchanges; one copy to each city and town in the Commonwealth; one copy to each member of the present legislature; one copy to each public and incorporated library in the Commonwealth, and the remaining copies to be disposed of by the secretary of the Commonwealth to individual purchasers at cost: *provided*, that no copies shall be sold for the purposes of re-sale.

Distribution and sale.

Approved April 18, 1870.

RESOLVE IN FAVOR OF DARIUS NEGUS.

Resolved, That there be allowed and paid from the treasury to Darius Negus, of Fall River, the sum of one hundred and ninety-two dollars for state aid; and that on and after the first day of January, in the year one thousand eight hundred and seventy, said Negus and his minor children shall be taken and deemed entitled to receive state aid, as provided in chapter one hundred and thirty-six of the acts of the year eighteen hundred and sixty-seven.

Chap. 22.

Allowance for state aid.

Approved April 22, 1870.

RESOLVE IN RELATION TO THE EXPENDITURES OF THE COMMONWEALTH FOR THE REDEMPTION OF THE SCRIP ISSUED FOR THE BENEFIT OF THE EASTERN RAILROAD COMPANY AND THE NORWICH AND WORCESTER RAILROAD COMPANY.

Resolved, That the treasurer of the Commonwealth be and he is hereby directed forthwith to make demand upon the Eastern Railroad Company, and the Norwich and Worcester Railroad Company, respectively, for the payment of all sums of money which have heretofore been expended by the Commonwealth to redeem the principal and interest of scrip issued by the Commonwealth for the benefit of said corporations, and which have not been already repaid by said

Chap. 23.

Treasurer to demand payment from Eastern, and Norwich and Worcester Railroads of sums expended by state to redeem scrip.

corporations to the Commonwealth, together with interest on all said unpaid sums from the time of each payment; and if said corporations shall not within three months from the passage of this resolve pay all said sums of money into the treasury of the Commonwealth, with interest, it shall be the duty of said treasurer to certify the fact to the attorney-general; and the attorney-general is directed thereupon to institute legal proceedings to enforce against said corporations, respectively, the payment of said claims of the Commonwealth.

Approved April 22, 1870.

Attorney-general to institute legal proceedings in case of non-payment.

Chap. 24.

County taxes.

RESOLVE GRANTING TAXES TO THE SEVERAL COUNTIES.

Resolved, That the sums placed against the names of the several counties in the following schedule, be and hereby are granted as a tax for each county, respectively, to be collected and applied according to the law, viz. :—

Barnstable, fifteen thousand dollars; Berkshire, forty-seven thousand dollars; Bristol, fifty-five thousand dollars; Dukes County, four thousand eight hundred dollars; Essex, one hundred and twenty thousand dollars; Franklin, twenty-five thousand dollars; Hampden, thirty-eight thousand five hundred dollars; Hampshire, thirty-three thousand dollars; Middlesex, one hundred and sixty thousand dollars; Norfolk, sixty-five thousand dollars; Plymouth, forty thousand dollars; Worcester, one hundred and twenty thousand dollars.

Approved April 25, 1870.

Chap. 25.

RESOLVE IN RELATION TO THE AGRICULTURAL SOCIETIES OF THE COMMONWEALTH.

Board of agriculture to investigate management, &c., of agricultural societies and report to legislature.

Resolved, That the state board of agriculture be required to investigate the whole system and management of the several agricultural societies, recipients of state bounty, especially as to the application of moneys received from the state treasury; the departures, if any, from the plain and obvious object of the Commonwealth in the bestowal of her bounties, to wit, the advancement of agriculture and the mechanic arts; and report the results of their investigation to the next legislature, that the charters of the delinquent societies may be repealed.

Approved April 25, 1870.

Chap. 26.

RESOLVE IN AID OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

Allowance of \$6,000 for charitable purposes of infirmary.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of six thousand dollars, to the Massachusetts Charitable Eye and Ear Infirmary, to be expended under the direction of the trustees thereof, for the charitable purposes of said infirmary during the present year;

and the said trustees shall report to the board of state charities, as required by chapter two hundred and forty-three of the acts of the year eighteen hundred and sixty-seven.

Approved April 25, 1870.

RESOLVE IN FAVOR OF THE WASHINGTONIAN HOME.

Resolved, That there be allowed and paid out of the treasury to the treasurer of the Washingtonian Home, to be expended by the directors for the charitable purposes of the institution, in providing a refuge for inebriates, and means for reforming them, the sum of six thousand dollars. The directors shall report to the board of state charities as required by law, a detailed account of the amount contributed by individuals, the total income and expenses of the institution, the number of patients admitted, the average time each remains, the average cost per week of each, the number that pay or contribute towards the expenses of the institution, the amount each pays per week, and the result of their treatment, so far as can be ascertained.

Approved April 25, 1870.

Chap. 27.

Allowance of \$6,000 for charitable purposes.

Directors to make report to board of state charities.

RESOLVE IN FAVOR OF THE HOUSE OF THE ANGEL GUARDIAN.

Resolved, That there be allowed and paid out of the treasury the sum of thirty-five hundred dollars to the trustees of The House of the Angel Guardian, in Boston: *provided*, that a like sum of thirty-five hundred dollars shall be realized by said trustees from other sources, during the current year, a sworn certificate of which shall be deposited with the auditor of the Commonwealth, before the said sum of thirty-five hundred dollars shall be paid from the treasury. The trustees of said institution shall annually report to the board of state charities an account of their receipts and expenditures, in accordance with the provisions of chapter two hundred and forty-three of the acts of the year eighteen hundred and sixty-seven; and said board shall have the right at all times to visit and inspect said institution.

Approved April 25, 1870.

Chap. 28.

Allowance of \$3,500, if a like sum is realized from other sources.

RESOLVE IN FAVOR OF GEORGE W. PARSONS.

Resolved, That there be allowed and paid out of the treasury to George W. Parsons, from and after January first, eighteen hundred and seventy, state aid at the rate of six dollars per month.

Approved April 25, 1870.

Chap. 29.

Allowance for state aid.

RESOLVE IN FAVOR OF LOUISA GOULD.

Resolved, That for reasons set forth in the petition of Phineas B. Gould, there be allowed and paid from the treasury the sum of forty-four dollars to Louisa Gould, wife of said Phineas B. Gould.

Approved April 25, 1870.

Chap. 30.

Allowance of \$44 to Louisa Gould.

Chap. 31.

Allowance for
state aid.

RESOLVE IN FAVOR OF LUCRETIA W. DANIELS.

Resolved, That there be allowed and paid from the treasury to Lucretia W. Daniels, the sum of ninety-six dollars ; and that from and after the first day of January, eighteen hundred and seventy, she and her minor children shall be entitled to receive the same amount of state aid she would have been entitled to receive had her husband at the time of his death counted on the quota of the state.

Approved April 25, 1870.

Chap. 32.

Twenty-five
thousand dol-
lars may be ex-
pended by
board of educa-
tion for enlarge-
ment, &c., of
normal school-
house in Salem.

Proviso.

RESOLVE RELATING TO THE NORMAL SCHOOL-HOUSE AT SALEM.

Resolved, That a sum not exceeding twenty-five thousand dollars be advanced from the treasury, in anticipation of the moiety of the income of the school fund applicable to educational purposes other than the public schools, to be expended under the direction of the board of education, in the enlargement and reconstruction of the normal school-house at Salem, and in procuring suitable furniture for the same: *provided*, that the city of Salem will convey to the Commonwealth such a title to the lands needed therefor, as shall be satisfactory to the attorney-general. The treasury shall be reimbursed for the money so advanced out of said moiety of the future income of the school fund as follows, viz.: the sum of eight thousand five hundred dollars, the present year ; the sum of eight thousand five hundred dollars in the year eighteen hundred and seventy-one ; and the balance in the year eighteen hundred and seventy-two.

Approved April 28, 1870.

Chap. 33.

Allowance to
officers for care
of military
property.

RESOLVE IN FAVOR OF CERTAIN OFFICERS IN THE VOLUNTEER MILITIA.

Resolved, That there be allowed and paid to the several officers named in the certificates to the auditor of the Commonwealth, made by the adjutant-general on the twenty-eighth day of June, eighteen hundred and sixty-nine, and the twelfth day of February, eighteen hundred and seventy, the sums set against their names respectively, under the provisions of chapter two hundred and sixty-six of the acts of the year eighteen hundred and sixty-seven, and chapter two hundred and five of the acts of the year eighteen hundred and sixty-nine.

Approved May 6, 1870.

Chap. 34.

Allowance for
state aid.

RESOLVE IN FAVOR OF BRIDGET BRADY.

Resolved, That there be allowed and paid out of the treasury, to Bridget Brady of Boston, from and after the first day of January, eighteen hundred and seventy, the same state aid she would have been entitled to receive had the name of her husband, Michael Brady, been borne upon the rolls as a part of the quota of the Commonwealth.

Approved May 6, 1870.

RESOLVE IN RELATION TO THE CLAIM OF GEORGE M. WESTON.

Resolved, That the governor and council be and are hereby authorized to examine alone, or in concurrence with the governor and council of Maine, all and every claim that may be presented to them by George M. Weston, late of Maine, for services rendered, and moneys promised or expended by him in aiding the collection of the claim of Massachusetts against the general government, for services of her soldiers in the last war with Great Britain; and they are hereby empowered, in furtherance of this subject, to send for persons and papers; and report the result of their investigation to the next general court.

Approved May 9, 1870.

Chap. 35.

Claim of George M. Weston to be examined and report made to legislature.

RESOLVE RELATING TO THE RECORDS OF THE TOWN OF MENDON.

Resolved, That the transcript, in two volumes, of the first three books of births, marriages, deaths and miscellaneous matters, of the town of Mendon, made by order and authority of said town, by Preserved S. Thayer, in the year eighteen hundred and forty-two, and certified by him to be a true copy; and the transcript in one volume, of the first book of the records of said town of Mendon, containing the acts and transactions of the town, at legal meetings thereof, held between the seventh day of June in the year sixteen hundred and sixty-seven and the thirtieth day of August in the year seventeen hundred and twenty-five, and of the other matters contained in said first book of records, made by the order and authority of said town, by John George Metcalf, in the year eighteen hundred and forty-six, and certified by him to be a true copy, shall have the same force and effect, when deposited among the records of the town of Mendon, as if the same were the original records.

Approved May 9, 1870.

Chap. 36.

Copies of records of town of Mendon to have same force and effect as original records.

RESOLVE IN FAVOR OF SARAH SADLER.

Resolved, That there be allowed and paid out of the treasury to Sarah Sadler, widow of Henry S. Sadler, late a private in company G of the eighth Massachusetts regiment, the sum of forty-eight dollars.

Approved May 12, 1870.

Chap. 37.

Allowance of \$48.

RESOLVE IN FAVOR OF CATHERINE REED.

Resolved, That there be allowed and paid out of the treasury to Catherine Reed, the sum of sixty dollars for arrears of state aid.

Approved May 12, 1870.

Chap. 38.

Allowance for state aid.

RESOLVE IN FAVOR OF EDWIN MAYBERRY.

Resolved, That there be allowed and paid out of the treasury to Edwin Mayberry of Edgartown, the sum of one hundred and thirty-eight dollars and twenty-six cents, in full for

Chap. 39.

Allowance of \$138.26 for medical services, &c.

medicine and medical services rendered to individuals of the Chappaquiddie tribe of Indians, to January first, eighteen hundred and seventy.

Approved May 12, 1870.

Chap. 40. RESOLVE GRANTING AID FOR SCHOOLS IN THE DISTRICT OF MARSHPEE.

Allowance for educational purposes in district of Marshpee.

Resolved, That the sum of seventy-five dollars be allowed and paid out of the moiety of the income of the school fund applicable to educational purposes, for the year eighteen hundred and sixty-nine, and the sum of seventy-five dollars for the year eighteen hundred and seventy, to the treasurer of the district of Marshpee, for the support of schools in that district; the same being in addition to the sums now allowed for the support of said schools, and on the condition that the inhabitants of that district shall also appropriate and expend for the use of said schools during the years eighteen hundred and sixty-nine and eighteen hundred and seventy, fifty dollars in addition to the sum now annually paid by them for that purpose; and the said treasurer shall, on or before the first day of October next, make a report to the board of education in relation to the expenditure of said money and the condition of the schools.

Approved May 12, 1870.

Chap. 41. RESOLVE MAKING AN APPROPRIATION FOR FISH CULTURE.

Allowance of \$4,000 for fish culture.

Resolved, That there be allowed and paid out of the treasury, a sum not exceeding four thousand dollars, to be expended under direction of the commissioners on inland fisheries, for purposes connected with the culture of useful fishes and of stocking the waters of the Commonwealth therewith.

Approved May 12, 1870.

Chap. 42. RESOLVE IN RELATION TO THE HUTCHINSON PAPERS, SO CALLED.

Attorney-general to bring suit for recovery of Hutchinson papers.

Resolved, That the attorney-general be instructed to bring a suit in law or equity for the recovery of the books and papers belonging to the Commonwealth in the possession of the Massachusetts Historical Society.

Approved May 16, 1870.

Chap. 43. RESOLVE IN FAVOR OF JANE PARKS.

Annuity of \$200 for five years.

Resolved, That during the period of five years from the first day of January in the year eighteen hundred and seventy, an annuity of two hundred dollars per annum, in equal quarterly payments, shall be paid to Jane Parks of Cambridge, widow of the late James Parks.

Approved May 16, 1870.

RESOLVE ON THE PETITION OF CHARLES H. COLE AND OTHERS, *Chap. 44.*
RELATIVE TO THE ESTATE OF CAROLINE PLUMMER.

Resolved, For the reasons set forth in the petition of Charles H. Cole, Caroline C. Burnham and Sarah A. Cole, that George Foster, public administrator in and for the county of Essex, is hereby empowered and directed to transfer and pay over all the real and personal estate held by him and belonging to the estate of Caroline Plummer, late of Haverhill, deceased, to the said Charles H. Cole, Caroline C. Burnham and Sarah A. Cole, after deducting therefrom the charges and expenses of his administration: *provided*, that the said Charles H. Cole, Caroline C. Burnham and Sarah A. Cole shall first give a bond to the judge of probate for the county of Essex, with surety or sureties satisfactory to said judge of probate, with condition, first, to pay all debts due from the estate and the legacies designated in the instrument purporting to be the unfinished will of said Caroline Plummer, annexed to said petition; second, to save the Commonwealth and said public administrator harmless against the claims of all persons on account of said estate or the proceeds thereof; and third, to transfer and pay over said real and personal estate to any person who, by the instrument aforesaid purporting to be the unfinished will of said Caroline Plummer, or otherwise, may appear to be legally entitled thereto.

Public administrator of Essex County to transfer estate of Caroline Plummer.

Proviso.

Approved May 20, 1870.

RESOLVE IN FAVOR OF ORAMEL MARTIN.

Chap. 45.

Resolved, That there be allowed and paid out of the treasury to Oramel Martin, of Worcester, the sum of three hundred and eighty-five dollars, for compensation in full for services rendered as chairman of a scientific board appointed to examine into a disease among cattle called pleuro-pneumonia, in accordance with the provisions of chapter two hundred and twenty-one of the acts of eighteen hundred and sixty.

Scientific board to examine into pleuro-pneumonia.

Approved May 20, 1870.

RESOLVE IN FAVOR OF OLIVER GOODSPEED.

Chap. 46.

Resolved, That there be allowed and paid out of the treasury to Oliver Goodspeed, for the benefit of himself, his wife and minor children, from the first day of January, eighteen hundred and seventy, state aid at the rate of fourteen dollars a month; and in case of the death of said Goodspeed, aid shall continue to the widow and children in the same ratio and manner as is now provided by law.

Allowance for state aid.

Approved May 20, 1870.

Chap. 47. RESOLVE IN FAVOR OF THE DISABLED SOLDIERS' EMPLOYMENT BUREAU.

Allowance of
\$2,500.

Resolved, That there be allowed and paid out of the treasury, the sum of twenty-five hundred dollars to the Disabled Soldiers' Employment Bureau.

Approved May 25, 1870.

Chap. 48. RESOLVE INSTRUCTING THE BOARD OF HEALTH TO REPORT CERTAIN STATISTICS.

To report number of minors employed in certain manufacturing factories.

Resolved, That it shall be the duty of the board of health to specially ascertain and include in their annual report to the legislature on the whole number of minors employed in all the cotton, woolen, silk, flax, and jute manufactories in this Commonwealth, and the cause, amount and rate of mortality among them, and how it compares with the mortality of all other persons of the same age in this Commonwealth during the same periods of time, and how far the particular employment of such minors affects their general health, as compared with the effects of other employments upon the general health of other persons of similar ages.

Approved May 25, 1870.

Chap. 49. RESOLVE CONFIRMING CERTAIN DEEDS EXECUTED BY G. WASHINGTON WARREN, ADMINISTRATOR AND TRUSTEE.

Deeds confirmed.

Resolved, For the reasons set forth in the petition of G. Washington Warren, administrator with the will annexed of the estate of Mary B. Shaw, and also trustee, that the deeds executed by him in his said capacities to James Dana and to J. C. Churchill, bearing date the sixteenth day of September last, under an order and decree of sale made by the supreme judicial court, be and the same are hereby confirmed: *provided*, that the proceeds of said sale be held and invested, and with the income thereof, paid over as the said court may from time to time direct, in accordance with the provisions of said will.

Approved May 27, 1870.

Chap. 50. RESOLVE AUTHORIZING THE ISSUE OF ARMS TO THE WORCESTER COUNTY FREE INSTITUTE OF INDUSTRIAL SCIENCE.

Governor may issue arms for use of pupils.

Resolved, That the governor be and is hereby authorized to issue to the Worcester County Free Institute of Industrial Science, in the city of Worcester, such arms for the use of its pupils as in his judgment may be so distributed without detriment to the militia service: *provided*, that the said institute shall be held responsible for the return, in good order and condition, of such arms whenever the governor shall so direct.

Approved May 27, 1870.

RESOLVE IN RELATION TO DISABLED SOLDIERS WHO HAVE SERVED IN
MASSACHUSETTS REGIMENTS.

Chap. 51.

Resolved, That the governor, with the consent of the council, be authorized to appoint a commission of three persons, whose duty it shall be to make provision for the proper care of such disabled soldiers as have served in Massachusetts regiments and are, in their judgment, proper objects of the charity of the state; and for this purpose such soldiers may be located and provided for, in the Discharged Soldiers' Home in Boston, the Massachusetts General Hospital, or other proper places, excluding almshouses; the commissioners in locating said soldiers, having a humane reference to their being near their homes and friends. For this purpose, a sum not exceeding six thousand dollars shall be allowed and paid to said commissioners, in such sums as they shall, from time to time, certify to the auditor to be needed for the above purposes: *provided*, that the said commissioners shall make a quarter-yearly report of their doings to the governor and council.

Commission to be appointed to make provision for care of disabled soldiers.

Approved June 2, 1870.

RESOLVE FOR PURCHASING AND DISTRIBUTING SAMUELS' REPORT ON
THE BIRDS OF NEW ENGLAND.

Chap. 52.

Resolved, That the secretary of the board of agriculture be, and he is hereby, authorized to purchase from Edward A. Samuels twelve hundred copies of the new edition of his work on the birds of New England, illustrated by eight new colored plates of birds, paying therefor three dollars and thirty-three cents per volume, and that said books be distributed as follows:—To each free public library, and each incorporated library in the state, one copy; to each incorporated natural history society in the state, one copy; to each normal school, and each incorporated academy in the state, one copy; to each town and city having no free public library, one copy, to be kept at the office of the clerk of said city or town; to each member of the present legislature, and to each officer and reporter, one copy; to the state library, ten copies, to be used for making exchanges for the public documents of other states; and the remaining copies to be distributed equally among the incorporated agricultural and horticultural societies of the state, to be by them awarded as premiums.

Secretary board of agriculture may purchase and distribute twelve hundred copies of Samuels' work on the birds of New England.

Approved June 3, 1870.

RESOLVE IN ADDITION TO A RESOLVE IN FAVOR OF THE NEW ENGLAND MORAL REFORM SOCIETY.

Chap. 53.

Resolved, That there be allowed and paid out of the treasury to the New England Moral Reform Society, the sum of one thousand dollars, for the use of said society: *provided*,

Allowance of one thousand dollars if society raises an equal amount.

Proviso.

it shall appear to the satisfaction of the auditor that an equal amount has been raised for the purpose of the said society since the resolve entitled a resolve in favor of the New England Moral Reform Society, approved the twenty-seventh day of April, in the year eighteen hundred and sixty-nine; and *provided, further*, that the board of state charities shall have power at all times to visit and inspect the institution; and the society shall make an annual report to the board of state charities, in accordance with the provisions of chapter two hundred and forty-three of the acts of the year eighteen hundred and sixty-seven.

Approved June 3, 1870.

Chap. 54.

RESOLVE DIRECTING THE RAILROAD COMMISSIONERS TO MAKE CERTAIN INQUIRIES IN RELATION TO THE RAILROADS OF THE COMMONWEALTH.

To inquire and report concerning tolls, freights, &c.

Resolved, That the board of railroad commissioners are hereby directed to inquire into the subject of tolls, freights, fares and charges exacted on the several railroads of this Commonwealth, and also a plan and tariff to prevent unjust discriminations in the levying of freight and travel tolls from way stations, and between way stations, and also to examine whether the interests of the public will be promoted by compelling the railroads to perform "express business" for the territory contiguous to their lines, and report thereon to the next general court, together with such plan as they may deem expedient, and also such amendments and alterations of the charters of said roads as they may deem necessary.

Approved June 10, 1870.

Chap. 55.

Allowance for state aid.

RESOLVE IN FAVOR OF ANDREW R. EARL.

Resolved, That there be allowed and paid out of the treasury to Andrew R. Earl, for the benefit of himself and his widowed mother, from the first of January last, state aid at the rate of ten dollars per month.

Approved June 11, 1870.

Chap. 56.

Allowance of \$750.

RESOLVE IN FAVOR OF DAVID PULSIFER.

Resolved, That for reasons set forth in the petition of David Pulsifer, there be allowed and paid to him from the treasury seven hundred and fifty dollars.

Approved June 11, 1870.

Chap. 57.

Allowance for state aid.

RESOLVE IN FAVOR OF JOANNA LEO.

Resolved, That there be allowed and paid to Joanna Leo, widow of Louis Leo, for herself and minor children, state aid from and after January first, eighteen hundred and seventy.

Approved June 11, 1870.

RESOLVE ON THE PETITION OF LUCY E. JEWETT.

Chap. 58.

Resolved, For the reasons set forth in said petition that Francis V. Balch, guardian of George E. Winthrop, adjudged an insane person, be authorized to release to said petitioner, and to make, execute and deliver to her, the said Lucy E. Jewett, in her own right and her heirs and assigns, a deed of release and quitclaim of any right, title and interest, legal or equitable, which his said ward may have, in the premises described in said petition and the deeds therein mentioned which are recorded with Suffolk deeds, libro five hundred and fifty-eight, folio sixty-seven, libro seven hundred and ninety-one, folio three hundred and five, and libro seven hundred and ninety-six, folio two hundred and thirty-two.

Francis V. Balch, guardian of George E. Winthrop, may execute quitclaim deed to Lucy E. Jewett.

Approved June 11, 1870.

RESOLVE TO PAY FOR LABOR PERFORMED ON THE STATE HOUSE BY PERSONS IN THE EMPLOYMENT OF WILLIAM ADAMS.

Chap. 59.

Resolved, That there be allowed and paid out of the treasury to the persons herein named, in full compensation for labor performed on the State House, in the employ of William Adams, the following sums, to wit: To A. D. Tuttle, fifty-three dollars; to Twitchell and Libby, thirty-four dollars and four cents; to W. W. Bickwell, ninety-five dollars and seventy-five cents; to Lewis Mason, twenty-two dollars and ninety-five cents; to A. F. Bradford, eighty-five dollars and eighty-seven cents; to James Rogers, eighteen dollars; Samuel E. Winter, one hundred and twenty-three dollars and twenty-five cents; L. F. Libby, thirty-seven dollars; Charles B. Merrill, one hundred and fifty dollars; John Marshall, twenty-five dollars; James Grady, twelve dollars; W. F. Johnson, seventeen dollars; Michael Heaply, twelve dollars; Frank Dwyer, nine dollars; John Welch, twenty-eight dollars; Samuel W. Adams, thirty-one dollars, and so much of chapter ninety-seven of the resolves of eighteen hundred and sixty-nine as provides for the payment of money to William Adams is hereby repealed.

Allowances for labor performed on the state house.

Approved June 11, 1870.

RESOLVE IN RELATION TO THE PERKINS INSTITUTION AND MASSACHUSETTS ASYLUM FOR THE BLIND.

Chap. 60.

Resolved, That the trustees of the Perkins Institution and Massachusetts Asylum for the Blind be and they are hereby authorized to use the unexpended balance of the sum appropriated in chapter seventy-one of the resolves of the year eighteen hundred and sixty-nine, for the purchase of heating apparatus and furniture for such buildings as have been erected under the provisions of said chapter, the said heating

Allowance for heating apparatus and furniture.

apparatus and furniture to be purchased in the name and to remain the property of the Commonwealth.

Approved June 13, 1870.

Chap. 61. RESOLVE TO AID IN OBTAINING INFORMATION CONCERNING ROADS IN THIS COMMONWEALTH.

Secretary of the board of agriculture to procure information concerning repairs of highways in the several towns.

Resolved, That the secretary of the board of agriculture be and he is hereby required to obtain from the mayor and aldermen of cities, and the selectmen of towns, on or before the first day of December next, for the use of the next legislature, answers to the following questions :

First. What is the number of miles of public highway within the limits of your city or town ?

Second. What has been the amount expended by your city or town for the repairs of highways ? Average for the last five years and exclusive of amount paid for breaking out roads in winter ?

Third. What is the number of surveyors of highways in your city or town ?

Fourth. What the kind of material used in covering and repairing roads ?

Fifth. What number and kind of bridges are supported wholly or in part by the city or town ?

Sixth. Are the road taxes paid in money or labor ?

Seventh. How much has the city or town paid during the past five years for damages or legal defence in consequence of alleged defects in the roads ?

Approved June 13, 1870.

Chap. 62. RESOLVE CONCERNING THE TROY AND BOSTON RAILROAD COMPANY.

Governor and council to make settlement of claims between state and Troy and Boston Railroad Company.

Resolved, That the governor and council are hereby authorized and directed to make a full and final settlement of all claims and demands, of every name and nature, between the Commonwealth and the Troy and Boston Railroad Company, and if necessary to institute legal proceedings to secure such settlement, and the payment of any sum due the Commonwealth ; and they are authorized to pay any sum equitably due said company.

Approved June 13, 1870.

Chap. 63. RESOLVE RELATING TO THE SUPERINTENDENT OF THE STATE WORKHOUSE AT BRIDGEWATER.

Superintendent to be reimbursed for expenses of defence before a committee of the legislature.

Resolved, That the inspectors of the state workhouse at Bridgewater be, and they are hereby authorized to reimburse the superintendent of that institution the amount expended by him in his defence before a committee of this legislature ; the same to be paid out of any funds, appropriated for said institution, that may remain unexpended at the end of the current year.

Approved June 15, 1870.

RESOLVE IN FAVOR OF WILLIAM F. JORDAN.

Resolved, That there be allowed and paid out of the treasury to William F. Jordan the sum of two hundred dollars, to defray the necessary expenses incurred in consequence of the loss of an arm, which occurred while in the discharge of his duty as a member of the fourth battery of light artillery, and that from and after the first day of July of the present year there be allowed and paid to him the sum of fifteen dollars per month.

Approved June 15, 1870.

Chap. 64.

Allowance of \$200, and pension of fifteen dollars per month.

RESOLVE IN FAVOR OF NATHANIEL RUGGLES.

Resolved, That for reasons set forth in the petition of Nathaniel Ruggles, there be allowed and paid to him the sum of forty-five dollars and fifty cents, in full of all claims upon the Commonwealth for medical services rendered to Indians.

Approved June 15, 1870.

Chap. 65.

Allowance for medical services rendered to Indians.

RESOLVE IN FAVOR OF WILLIAM ADAMS.

Resolved, That there be allowed and paid from the treasury to William Adams, the sum of two hundred and thirty-five dollars and fifty-five cents, in full compensation for use of his tools upon the work on the state house after the termination of his contract.

Approved June 15, 1870.

Chap. 66.

Allowance of \$235.55.

RESOLVE IN FAVOR OF JOSEPHINE ROGERS.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to Josephine Rogers, the sum of forty-four dollars.

Approved June 15, 1870.

Chap. 67.

Allowance of \$44.

RESOLVE FOR THE TEMPORARY RELIEF OF DISABLED SOLDIERS AND THE FAMILIES OF THE SLAIN.

Resolved, That the unexpended balance of the appropriation made in chapter sixty-two of the resolves of the year eighteen hundred and sixty-nine, amounting to three thousand seven hundred and twenty-two dollars and forty-two cents, for the benefit of discharged soldiers, may be expended by the surgeon-general, under the direction of the governor and council, for the temporary relief of disabled soldiers and the families of the slain.

Approved June 15, 1870.

Chap. 68.

Balance of certain appropriations for temporary relief of disabled soldiers, &c.

RESOLVES TO ENABLE THE GUARDIAN OF CERTAIN HEIRS TO JOIN IN A REFERENCE AND TO EXECUTE CONVEYANCES IN SETTLEMENT OF THE ESTATE OF SETH THAXTER.

Whereas it has become necessary, to relieve the real estate devised by the last will of Seth Thaxter, late of Boston, in the county of Suffolk, deceased, from any lien existing thereon as security for any advancements, and to make distribution of the property of the testator, that the real estate devised by him and now undisposed of should be sold:

Chap. 69.

Heirs and other parties interested in real estate devised by will of Seth Thaxter may join in execution of a deed of said estate.

Resolved, That James H. Page, of said Boston, guardian of William G. Ellis, Charles K. Ellis, Etta M. Ellis, Cora F. Ellis and Edward W. Ellis, minor children of Waterman J. Ellis, of Bridgewater, in the county of Plymouth, and of his late wife, Helen Maria Ellis, now deceased, is hereby authorized, with the consent of the judge of probate for the county of Plymouth, to join with the other parties interested in said property under said will, in such deed or deeds as upon the sale of such real estate, or any portion thereof, may be necessary to convey all interest of said minors therein, and that the written assent of said judge of probate to the execution of any deed by said guardian under this resolve shall be conclusive evidence in behalf of the purchaser of the authority of said guardian to execute said deed, and of his compliance with all of the terms of these resolves.

Resolved, That the proceeds of any such real estate shall be received by the surviving executors under said will, and that said guardian is hereby authorized in behalf of said minors to enter into any agreement of arbitration with the other parties interested in the property devised and bequeathed by said will, to settle and determine all questions relating to the provisions of said will in regard to advancements, and to the settlement and distribution of the estate devised and bequeathed under said will.

Approved June 15, 1870.

Chap. 70.

RESOLVES TO PROVIDE CERTAIN TOWNS WITH THE LAW REPORTS AND GENERAL AND SPECIAL LAWS AND STANDARD WEIGHTS AND MEASURES.

Towns of Norfolk, Hyde Park, Everett, Mashpee and Gay Head to be furnished with general and special laws;

Resolved, That the secretary of the Commonwealth be, and he is hereby authorized and directed to furnish to each of the towns of Norfolk, Hyde Park, Everett, Mashpee and Gay Head a full set of the reports of the decisions of the supreme judicial court; one copy of the General Statutes; also copies of such general and special laws of the Commonwealth, and of all such books and documents in his office, as may heretofore have been furnished by the Commonwealth to towns. And the secretary is authorized to purchase such of the reports and statutes aforesaid as may be necessary to carry into effect this resolve.

—and Egremont also to be furnished with standard weights and measures.

Resolved, That the treasurer be, and he is hereby authorized and directed, to furnish each of said towns and the town of Egremont with a complete set of standard weights, measures and balances, such as each town is by law required to keep for the use of its inhabitants: *provided*, that the clerks of said towns shall first make the certificate required by sec-

tion two of chapter two hundred and sixty-five of the acts of the year one thousand eight hundred and fifty-nine.

Approved June 15, 1870.

RESOLVE PROVIDING FOR THE CODIFICATION OF THE GENERAL RAILROAD LAWS, AND THE INDEXING OF THE CHARTERS AND SPECIAL LAWS RELATING TO RAILROAD CORPORATIONS.

Chap. 71.

Resolved, That the board of railroad commissioners be, and they hereby are, directed to prepare a codification of the general laws relating to railroads and railroad corporations; to make analyses, indexes and tables of reference to the charters of the railroad corporations of the Commonwealth, and to all special laws relating to said corporations; and to procure to be printed one thousand copies of the same, which may be distributed at the discretion of said commissioners. In the preparation of said document they may employ a competent assistant, who shall be paid for his services such a sum as the governor and council shall determine.

Railroad commissioners to prepare codification of laws relating to railroads.

Approved June 16, 1870.

RESOLVE IN FAVOR OF THE SCHOOLS OF GAY HEAD.

Chap. 72.

Resolved, That there be allowed and paid out of the moiety of the income of the school fund applicable to educational purposes, to the treasurer of the town of Gay Head, the sum of one hundred and fifty dollars, to be applied to the support of schools in said town; and said treasurer shall make a return of the expenditure of said money, and the condition of the schools, to the board of education the present year.

Allowance of \$150, &c.

Approved June 16, 1870.

RESOLVE CONCERNING THE REPORTS REQUIRED TO BE MADE TO THE LEGISLATURE.

Chap. 73.

Resolved, That a commission be and hereby is established, consisting of the secretary of the Commonwealth, the treasurer and auditor of the Commonwealth, the secretaries of the boards of agriculture, education, and state charities, the chief of the bureau of statistics of labor, the adjutant-general, and the insurance commissioner of the Commonwealth, who shall, without extra pay therefor, consider and report to the next legislature, what legislation if any is necessary in order to secure the making, completing, printing and distribution of all reports from departments, institutions, bureaus, or individuals, to the legislature, on or before the end of the first month of the session thereof.

Commission established concerning reports to be made to the legislature.

Approved June 18, 1870.

RESOLVE CONCERNING THE BUREAU OF STATISTICS OF LABOR.

Chap. 74.

Resolved, That the chief of the bureau of statistics of labor be and hereby is authorized to employ such assistants and incur such expense, not exceeding the sum of five thousand

Assistants may be appointed by chief of bureau of statistics of labor.

dollars, as may be necessary in the discharge of his official duties; said assistants to be paid in full for their services such compensation as the chief may deem just and equitable: *provided*, that no assistant be paid more than four dollars per day, in addition to his necessary travelling expenses.

Approved June 18, 1870.

Chap. 75. RESOLVES IN RELATION TO THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Allowance of
\$25,000 for pay-
ment of debts of
college.

Resolved, That the sum of twenty-five thousand dollars be allowed and paid out of the treasury to the Massachusetts Agricultural College, to be expended by the trustees for the payment of all existing debts of the college, and all current expenses of the year not otherwise provided for, and the residue for necessary improvements on the buildings and grounds.

Resolved, That the secretary of the board of education and the secretary of the board of agriculture be directed to devise a plan, if practicable, by which the college may, without expense to the Commonwealth, be recognized as an independent institution in analogy with other colleges in the Commonwealth, and that they inquire whether the term of study in said college should not be reduced; and report to the next general court.

Approved June 18, 1870.

Chap. 76.

Allowance for
state aid.

RESOLVE IN FAVOR OF JULIA A. ROGERS.

Resolved, That there be allowed and paid out of the treasury to Julia A. Rogers, the sum of forty-four dollars as state aid, in consequence of her husband's service in company F, of the forty-eighth regiment Massachusetts volunteers.

Approved June 18, 1870.

Chap. 77.

RESOLVE TO AUTHORIZE THE PURCHASE AND DISTRIBUTION OF ONE THOUSAND COPIES OF THE SECOND VOLUME OF SCHOULER'S HISTORY OF MASSACHUSETTS IN THE REBELLION.

Secretary to
purchase and
distribute one
thousand copies
of Schouler's
history.

Resolved, That the secretary of the Commonwealth be, and is hereby authorized and directed to purchase one thousand copies of the second volume of a History of Massachusetts in the Rebellion, by William Schouler, late adjutant-general, at an expense not exceeding five dollars per volume, and cause the same to be distributed, or delivered on call, as follows, namely: to the state library, six copies; to each of the cities and towns of the Commonwealth, each incorporated library association, and the several colleges and societies designated in the second section of chapter three of the General Statutes, except law library societies, one copy; to each officer, member, and clerk of the executive, legislative, educational

and military departments of the government, and the reporters for the press in regular attendance upon the legislature, severally, for the present year, one copy; to the library of congress, two copies; to the libraries of the several states and territories of the United States, one copy each. And any remaining volumes of said book shall be in the custody of the secretary, and may be disposed of in such manner as the committee on printing for the time being, shall approve.

Approved June 18, 1870.

RESOLVE DIRECTING THE BOARD OF RAILROAD COMMISSIONERS TO MAKE CERTAIN REPORTS TO THE NEXT GENERAL COURT. *Chap. 78.*

Resolved, That the board of railroad commissioners be, and they hereby are directed to consider and report to the next general court whether any, and what legislation is necessary concerning the ingress and egress of passengers into and from railroad cars while the same are in motion, and also whether any and what legislation is necessary concerning the making up of trains and the use of switches by railroad corporations.

Railroad commissioners to report concerning ingress and egress of passengers while cars are in motion.

Approved June 22, 1870.

RESOLVE FIXING THE COMPENSATION OF THE MEMBERS OF THE LEGISLATURE, THE CHAPLAINS, THE PREACHER OF THE ELECTION SERMON, THE MEMBERS OF THE EXECUTIVE COUNCIL, THE DOOR-KEEPERS, MESSENGERS AND PAGES OF THE SENATE AND HOUSE, AND AUTHORIZING ADDITIONAL CLERICAL ASSISTANCE TO THE CLERKS OF THE SENATE AND HOUSE. *Chap. 79.*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to each of the members of the senate and house of representatives, the sum of five dollars per day, for each day's attendance during the session; to the chaplains of the two branches, four hundred dollars each for the session; to the preacher of the election sermon, one hundred dollars; to the lieutenant-governor, the sum of ten dollars, and to each member of the executive council, the sum of five dollars per day, for each day's attendance the present year; to each of the doorkeepers, assistant-doorkeepers, and messengers of the senate and house of representatives, five dollars per day, and to each of the pages of the two branches, four dollars, for each day's service during the present session, and to the doorkeepers and assistant-doorkeepers of the senate and house of representatives, and to the postmaster, one hundred dollars each, in addition; and for additional clerical assistance to the clerks of the senate and house of representatives, a sum not exceeding eight hundred dollars each for the present session.

Compensation of officers and members of the legislature.

Approved June 22, 1870.

Chap. 80. RESOLVE TO PROVIDE FOR CLOSING UP CERTAIN INDIAN GUARDIAN AND TREASURER ACCOUNTS.

Board of state charities to examine and report upon Indian guardians' accounts.

Resolved, That for the purpose of closing up the accounts of certain guardians and treasurers of former tribes of Indians within this Commonwealth, the board of state charities shall examine, audit, and report thereon to the next legislature, the several guardian accounts of Barnard C. Marchant, Erastus Alton, E. S. Whitemore, S. C. Howland, John W. Bacon, and B. F. Winslow; and shall report what legislation, if any, is necessary thereon.

Approved June 22, 1870.

Chap. 81. RESOLVE IN FAVOR OF THE HOUSE OF THE GOOD SHEPHERD, IN BOSTON.

Allowance of \$10,000 if a like amount is raised by friends of the institution.

Resolved, That there be allowed and paid out of the treasury to the treasurer of the House of the Good Shepherd, in Boston, the sum of ten thousand dollars, to be expended in aiding in the erection of a building or buildings to be used as a refuge and reformatory for penitent and abandoned females: *provided*, that a like sum of ten thousand dollars shall be realized by the friends of the institution from other sources during the current year, a sworn certificate of which shall be deposited with the auditor of the Commonwealth before the said sum of ten thousand dollars shall be paid from the treasury.

Approved June 22, 1870.

Chap. 82. RESOLVE IN FAVOR OF PETER DOUGHERTY AND JAMES DOUGHERTY.

Allowance of \$32, &c.

Resolved, That there be allowed and paid out of the treasury to John Madden, guardian of Peter Dougherty and James Dougherty, orphan children of James Dougherty, who died in the service of the United States, the sum of thirty-two dollars, and that from and after the first of July, eighteen hundred and seventy, there be allowed and paid to said guardian, the sum of eight dollars per month, for the benefit of said children.

Approved June 22, 1870.

Chap. 83. RESOLVE IN FAVOR OF JOHN F. DOHERTY.

Allowance for state aid.

Resolved, That for reasons set forth in the petition of John F. Doherty, there be allowed and paid to him out of the treasury the sum of sixty dollars for state aid, in consequence of wounds received while in the service of the United States.

Approved June 22, 1870.

Chap. 84. RESOLVE IN FAVOR OF AMZI HOSMER.

Allowance of \$88.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to Amzi Hosmer, the sum of eighty-eight dollars.

Approved June 23, 1870.

RESOLVE TO AMEND CHAPTER FIFTY-THREE OF THE RESOLVES OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-NINE, PROVIDING FOR TESTIMONIALS TO SOLDIERS AND SAILORS. *Chap. 85.*

Resolved, That chapter fifty-three of the resolves of the year one thousand eight hundred and sixty-nine, is so far amended, as to include soldiers who were citizens of Massachusetts at the time of their enlistment, and served in the late war in organizations of other states.

Testimonials to be given to soldiers who were citizens of Massachusetts and served in organizations of other states.

Approved June 23, 1870.

RESOLVE TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BERKSHIRE TO SELL CERTAIN REAL AND PERSONAL ESTATE, AND FOR OTHER PURPOSES. *Chap. 86.*

Resolved, That the county commissioners of the county of Berkshire be and they are hereby authorized to sell and convey the real and personal estate belonging to said county, situated in the town of Great Barrington, and to erect a suitable building in connection with said town for the use of the registry of deeds for the southern district of said county, and the probate court and district court required to be held in said town, and for a town hall and other town purposes.

May sell property in Great Barrington and erect building for registry of deeds, probate court, &c.

Approved June 23, 1870.

RESOLVE IN RELATION TO THE COMPENSATION OF THE SERGEANT-AT-ARMS. *Chap. 87.*

Resolved, That there be allowed and paid to the sergeant-at-arms five hundred dollars in addition to the sum heretofore appropriated for his services for the present year, and the same is hereby appropriated.

Allowance of \$500.

Approved June 23, 1870.

PROPOSED AMENDMENT TO THE CONSTITUTION.

The following proposed Article of Amendment to the Constitution of this Commonwealth having been officially certified and deposited in this department, under requirement of chapter 156 of the Acts of 1865, if agreed to by the General Court next to be chosen in the manner provided by the Constitution, may be submitted to the people for their ratification, in order that it may become a part of the Constitution of this Commonwealth.

RESOLVE PROVIDING FOR AN AMENDMENT OF THE CONSTITUTION IN RELATION TO THE QUALIFICATIONS OF VOTERS.

Resolved, By both houses, (the same being agreed to by a majority of the senators and two-thirds of the members of the house of representatives, present and voting thereon:—) That it is expedient to alter the constitution of this Commonwealth, by adopting the subjoined article of amendment, and that the same, as thus agreed to, be entered on the

journals of the two houses, with the yeas and nays taken thereon, and referred to the general court next to be chosen ; and that the same be published, to the end that if agreed to by the general court next to be chosen, in the manner provided by the constitution, it may be submitted to the people for their ratification, in order that it may become a part of the constitution of this Commonwealth.

ARTICLE OF AMENDMENT.


Article twentieth of the amendments of the constitution, ratified by the people on the first day of May, eighteen hundred and fifty-seven, which is as follows, to wit: "No person shall have the right to vote, or be eligible to office under the constitution of this Commonwealth, who shall not be able to read the constitution in the English language and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect," is hereby wholly annulled.

HOUSE OF REPRESENTATIVES, April 21, 1870. The foregoing resolve and article of amendment are agreed to by the house of representatives, two-thirds of the members present and voting thereon having voted in the affirmative, and the resolve and article of amendment are referred to the general court next to be chosen. Sent up for concurrence.

HARVEY JEWELL, *Speaker*.

SENATE, May 13, 1870. The foregoing resolve and article of amendment are agreed to in concurrence by the senate, a majority of the senators present and voting thereon, having voted in the affirmative.

H. H. COOLIDGE, *President*.

 The General Court of 1870, during its annual session, passed four hundred and nine Acts and eighty-seven Resolves, which received the approval of the Governor.

The Acts may be classified as follows: General Statutes, or Acts of a public character, TWO HUNDRED AND ONE; Special Acts, relating to private property, persons and corporate bodies, TWO HUNDRED AND EIGHT.

In addition to these, two Acts, entitled respectively, "An Act to amend chapter 167 of the General Statutes, in relation to the running of horses for wagers," and "An Act to aid in the construction of the railroad of the Boston, Hartford and Erie Railroad Company," were laid before the Governor for his approval, and were returned by him to the House,—in which body they originated,—with his objections thereto; and being put upon their final passage, in the manner provided by the Constitution, two-thirds of the members present and voting thereon having failed to "agree to pass the same," they were declared lost, and thereby without force and effect. The Legislature was prorogued on Thursday, June 23, the session having occupied one hundred and seventy days.

INAUGURAL ADDRESS

OF

HIS EXCELLENCY WILLIAM CLAFLIN.

At twelve o'clock on Saturday, the eighth day of January, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and officers of the civil and military departments of the government, attended by a joint committee of the two Houses, met the Senate and House of Representatives, in Convention, and delivered the following

ADDRESS.

*Gentlemen of the Senate and
of the House of Representatives :*

Assembled as representatives of the people, and acting in their name, let us make our heartfelt acknowledgments to the Author of all good, for the signal blessings so fully bestowed upon our beloved Commonwealth in the past, and invoke His counsel and wisdom for our guidance in the future.

Another year of unusual health and abundant prosperity has been granted us. The labors of the agriculturist have been rewarded by plentiful harvests ; mercantile pursuits have been successful, the mechanic and artisan have fully shared in the general welfare, while the blessings of peace have been universally enjoyed by the citizens of the entire Republic.

THE FINANCES OF THE COMMONWEALTH.

A statement of the public finances is always deeply interesting to the Legislature and the people. The indebtedness

of the Commonwealth has steadily increased for ten years past, but its sinking funds, established by law for its prompt redemption, have also accumulated rapidly. The policy of providing a fund for the payment of a debt before it was issued, has been strictly adhered to for a long time, and the result shows the wisdom of this course; for the State has always had an enviable credit at home and abroad. Her bonds find ready sale in Europe, and at prices considerably higher than those of any other American securities; and here her scrip is sought for by all persons seeking places for safe investments.

I find that the funded debt of the Common-

wealth is	\$29,737,259 90
Temporary loans,	1,086,120 12

Total amount of debt January 1, 1870,	\$30,823,380 02
Increase during the year,	2,087,509 97

It should not be forgotten, in this connection, that while the funded debt has increased, the sinking funds established for its redemption have also increased in proportion. These amounted, on the first of January current, to \$11,476,351 27

And there is cash on hand, applicable also to the payment of the debt, amounting to 1,054,710 51

Back Bay lands fund in the Treasury, (which may be used for this purpose,) 236,922 62

These sums deducted leave an indebtedness of the State, for which still further provision is to be made, of 18,055,395 56

From this last item, in order to understand the real liability of the State for principal and interest, there must be deducted the loan to the Western Railroad, (not provided for in the sinking funds,) of \$1,621,232 30

Loan to the Boston, Hartford and Erie Railroad, (unprovided for in the sinking funds,) 2,832,154 00

Loan to the Norwich Railroad, (also unprovided for in the sinking funds,) 146,864 00

Loan to the Eastern Railroad, 125,000 00

Total, \$4,725,250 30

Which leaves to be provided for by the State, principal and interest, the sum of 13,330,145 26

There are several other items which will ul-

timately reduce the debt. Among these many be mentioned the receipts for the Back Bay lands, which are estimated at .	\$1,500,000 00
Land sold to the Boston and Albany Rail- road,	435,000 00
And the balance of our unsettled claims against the United States Government, which are estimated at	400,000 00

It will be readily seen from this statement that the State is obliged to pay, from current revenue and taxation, interest on about \$13,500,000. A large portion of the loan is issued at five per cent. interest, payable in gold. This indebtedness will be increased annually for the next four years, about one million dollars, by payments to the contractors for the work on the Hoosac Tunnel, under their agreement with the Commonwealth.

This amount, with that still to be issued to Boston, Hartford and Erie Railroad, will swell the liabilities of the State to thirty-five millions of dollars. Although with the large sinking funds in the Treasury and the items which by law are pledged to those funds, the debt is not heavy when we compare the present condition of the State with that of a few years since ; still, with the heavy taxation for national purposes necessarily following the war, which is seriously felt by all, the question may be asked whether it is wise for the Legislature to increase its liabilities in aid of new enterprises.

Experience shows us that a project once commenced under the patronage of the State has to be still further sustained, or large losses are almost sure to accrue to the Commonwealth and the other parties interested. The Hoosac Tunnel and Troy and Greenfield Railroad and the Boston, Hartford and Erie Railroad, open to the business of the Commonwealth, and that of Boston, new sections of country.

For the purpose of aiding the construction of these large works, the State, in accordance with her established policy, originally granted them the use of her credit. She has been obliged to assume the whole work on the Hoosac Tunnel and the Troy and Greenfield Railroad. It seems desirable to await the result of this undertaking before entering upon any more enterprises, which, by any possibility, can be thrown upon the Commonwealth.

The aid granted for these two enterprises will amount to nearly fifteen millions of dollars when they are completed. Surely if we would carefully guard the credit of the State, and, I believe, heed the wishes of our constituents, we should

hesitate long before we lend the credit of the Commonwealth to any new project, however earnestly it may be pressed by its friends upon our attention. With the large number of railroads crossing the State in every direction, and these two main lines, in progress, soon to reach the Hudson River, no great suffering can be experienced by deferring the commencement of new railroads demanding the assistance of the State, until it shall be evident that the public necessity calls for them.

These remarks by no means apply to legislation which fosters private enterprises, for it is always a wise policy, and especially so at the present time, to encourage by liberal franchise such investment of private capital, by our own citizens and others, as will tend to develop the resources or promote the commerce of the Commonwealth.

The ordinary expenses of the State for the
 year ensuing are estimated at . . . \$5,500,000 00
 And the ordinary receipts from all sources,
 other than by taxation, are estimated at . 3,000,000 00

If no extraordinary grants are made, a tax of only \$2,500,000 will be necessary, unless further provision is made for increasing the ordinary revenue. There are new sources of wealth constantly developing, which, while sharing the benefits of government, do not share its burdens. Real estate and corporate property are taxed their full share, at all times. If other property is overlooked or allowed to bear a less percentage of taxation, the balance must be borne by those estates which are thereby assessed for more than their fair proportion. This subject should be carefully examined by the Legislature before the tax is assessed.

THE HOOSAC TUNNEL.

A little more than a year ago the work on the Hoosac Tunnel was contracted to Messrs. W. & F. Shanly, of Montreal, gentlemen of high standing and great experience on public works of a similar character. They were not able to complete their arrangements until last April, when they took possession of the works and commenced operations. As nothing had been done for six months previous, much of the machinery needed repairs; the central shaft was filled with water, and the new machinery there was quite incomplete. Most of the trained workmen previously employed had been dispersed during the period of suspension. Owing to these causes, the progress of the first few months was below the average which has been more recently attained.

Under these circumstances, the Council did not think it just to the contractors to insist upon the rate of progress stipulated, until the first of July last, when an Order was passed requiring them to perform the prescribed amount of work monthly. In July and August their estimates reached about three-quarters, and in September, five-sixths, of the required amount. The storm of October 4th stopped the work at all points, for a few days. At the east end the work was but little injured, and there was but a short delay in the usual progress at the main points. At the west end, the damage was more serious, owing to the breaking away of the embankment of a brook by the side of the brick arch. The tunnel was filled with water, which was dammed up by the earth, stones and trees brought down by the torrent. A delay of several weeks occurred before the water could be drained from the tunnel sufficiently to permit the resumption of the work. But for this interruption it is believed that the contractors would have made the required progress in October. The Messrs. Shanly have used as much diligence, perhaps, as could be expected from contractors, though not so much as was desired on the part of the authorities having the work in charge. They have constantly pressed upon the contractors the importance of greater activity, and the necessity of using the best means to facilitate the work. Recently, more energy has been shown, and at certain points the work has advanced at the required rate for the last two months. Still, the amount of work for the past six months will fall short, according to the contract, very considerably. I am assured, however, that the contractors will soon make up the deficiency, as it is manifestly for their interest to do; and as I am happy to say, from the last two months' experience, they will evidently be able to accomplish. They have thus far fulfilled the expectations of the authorities as to the quality of the work. There has been no disposition to evade responsibility, but they have sometimes chosen a cheaper process when a more costly one would have enabled them to advance more rapidly. Undoubtedly they can save money by working at a moderate rate, and the machinery used has attained such perfection that they can finish the work easily, within the time specified in the contract. An earlier completion of this great work is of vast importance to the State. Every year's delay results in a heavy loss of interest directly, and in a great loss of profitable business which will find its way inevitably to the seaboard and to a large portion of the State, over this route.

I would suggest that some provision should be made whereby the contractors may receive additional compensation for an earlier completion of the work than the contract requires. A moderate sum would be of much importance to them, and at the same time the benefit to the State would be great, in the saving of interest, and in the advantages which would accrue to the public from an earlier opening of the route. I can safely say that there is no longer any doubt of the final completion of the Tunnel, in the minds of the authorities having this work in charge, or of those who have been conversant with it from the beginning, but have had no direct connection with it.

The disastrous flood in the Deerfield River, caused by the late freshet, occasioned much damage to the railroad. By request of the Council, Mr. Appleton, one of the Railroad Commissioners, and Mr. Field, the engineer under whose charge the road was constructed, accompanied by the committee on the Hoosac Tunnel, made a survey of the railroad from Greenfield to the east end of the Tunnel. They have made an estimate of the amount necessary to repair the damage, ordinary and extraordinary, which was caused by the freshet.

The road is in the hands of the lessees, who, until recently, have declined to make the repairs, unless a large portion of the expense should be assumed by the State. As there is no one authorized to make such an expenditure, the whole matter must come before you for action. I would suggest that the subject receive your attention at as early a day as possible, for an energetic, thriving and enterprising community, who were just beginning to appreciate the facilities for doing business enjoyed by most of the other parts of the State, are, by this calamity, suddenly thrown into a condition worse than that which existed before the construction of the railroad. Up to January 1, the Messrs. Shanly had nearly accomplished work to the amount of the guaranty-fund of \$500,000, and they will therefore be entitled to receive cash payments in accordance with their contract, for the greater part of the January work, and for all that they shall subsequently perform.

BOSTON, HARTFORD AND ERIE RAILROAD.

By Act of the Legislature (chap. 450, Acts of 1869,) the Governor and Council were authorized to issue in aid of the Boston, Hartford and Erie Railroad Company, five millions of dollars, including the amount issued up to the time of the passage of the Act.

The company having complied with the conditions of the law in all respects, scrip has been issued in its behalf from time to time, to a sum amounting, on the first of January current, to \$3,392,840.

By the requirements of the Act the company were to give the State as security : First, A second mortgage on all of the property purchased of the Boston Wharf Company by the Railroad Company. Second, The company were to place in the hands of the Treasurer of the Commonwealth, one thousand dollars of the bonds of the mortgage to R. H. Berdell and others, as trustees, for every one thousand dollars of scrip received from the State. Third, To pay into the Treasury such sums as the Governor and Council might direct for a sinking fund, to be applied to the redemption of the scrip issued by the State.

Thus far the company have promptly complied with the conditions imposed upon them by the Legislature, and the amount paid into the sinking fund, under this arrangement, on the first of January, was \$560,686.

It will be also remembered, that one million dollars of the five is to be expended in improving the lands at South Boston, on which the State has a mortgage. It should be stated that the scrip issued to this corporation has thirty years to run, becoming due in the year 1900. If the company pay the interest on the scrip issued, according to their agreement with the Commonwealth, the amount paid into the sinking fund for the redemption of these bonds will accumulate sufficiently to redeem them at maturity without farther payment by the company. This calculation is based upon the expectation that the sinking fund will be loaned at six per cent., as has been done hitherto, by the State, with similar funds.

The work on the road has been pushed with great energy by the contractors, who are gentlemen of large personal experience, and whose professional reputations are of the highest order. They have performed their work to the satisfaction of E. S. Philbrick, Esq., the engineer employed by the Council, and his opinion in such matters is entitled to full confidence. It is the belief of those in charge of the work that it will be completed to the Hudson River and ready for business by next autumn, and possibly sooner.

THE SOUTH BOSTON FLATS.

Much attention has been given by your predecessors to the subject of improving the South Boston Flats. Various schemes for filling them have been suggested, considered and abandoned. Propositions for their purchase have been

made by corporations and individuals, to those having them in charge; but in all cases there was so little hope that the Commonwealth would ever realize any considerable amount from the sale, that they have been rejected.

The controversy with the Boston Wharf Company stood in the way of any improvement, and there seemed to be no prospect of its immediate settlement. Finally that portion in dispute passed into the hands of the Boston, Hartford and Erie Railroad, and soon after, the corporation began a negotiation with the State authorities, for a settlement of all matters in dispute between them and the Commonwealth. Early in the summer a contract was concluded, by which that corporation acquires a clear title from the State to about forty-four acres of flats, lying along Fort Point Channel, north of the Boston Wharf Company.

Most of this territory was in dispute, occasioned by the grant made to that Company, in 1855, and subsequently annulled by the legislature of 1867. From this property the Commonwealth will realize an income on \$545,505 in three years from the first day of July last.

The corporation has already commenced filling the flats, using for that purpose, as stipulated in the contract, material dredged from the shoals near the flats; thus accomplishing a most important work for the benefit of the harbor—an object never lost sight of by the commissioners having charge of these matters.

At last this long contemplated improvement of such moment to Boston and the Commonwealth, in the future, is fairly inaugurated, and with every prospect of its final and satisfactory completion. Negotiations which had been pending for several months with the Boston and Albany Railroad, have resulted in a sale to that corporation of fifty acres of the flats, lying east of those sold to the Boston, Hartford and Erie Railroad. The amount realized is \$435,000, payable in three years from the first day of October last.

In both instances the sea-walls in front of the land sold are to be built by the corporations purchasing, under the direction of the Board of Harbor Commissioners, and in accordance with plans recommended by a Board of Engineers, of the highest reputation, after the most careful and mature consideration.

The filling is also to be done under the direction of the Harbor Commissioners, so that it would seem that every necessary precaution had been taken to have the work done in the most substantial manner. Thus within three years the treasury of the State will be in receipt of income, from

the sale of less than a tenth part of these flats, on nearly one million dollars. While this seems to be a large sum for a small portion of this property, hitherto considered of doubtful value by most persons, and entirely worthless by not a few, it is believed, by those having the disposal of it, to be far less than its real value, and that the corporations purchasing will, in the end, realize a large profit if they sell it for ordinary uses. In justification of this sale it may be stated that the immediate commencement of the enterprise was of the first importance to the public, and especially if that commencement should be made by these parties who need ample accommodation for their future business, in which the people of the State have such a deep interest. That these corporations should have an abundance of room near the great centres of trade is apparent to all; and, while the treasury of the State will be a large gainer by the improvement of these flats, it is certain that the indirect benefit to the people of the city and State will be incalculable. It is an immense undertaking—larger than anything of the kind ever attempted by the people of this country, but one which the enterprise and energy of the Commonwealth will undoubtedly bring to a successful issue. It will be remembered that the territory intended to be filled is larger than the original size of Boston.

In order to remove all objections that might be raised to the Commonwealth's title to the flats in South Boston, the Harbor Commissioners were authorized by the last legislature (chap. 446, Acts of 1869,) to purchase from the shore owners any lands or flats lying westerly of E Street extended. Contracts have been made with nearly all the owners for their lands and riparian rights, by which the Commonwealth acquires nearly two million feet of land for something less than two hundred and fifty thousand dollars. The Commissioners are of the opinion that ultimately no loss will be sustained by the Commonwealth from this purchase, while all cause of litigation will be removed.

It has been the effort of the Commissioners—in which they have been cordially sustained by the Executive Council—to remove not only every legal objection which might be presented to the State's title in these flats, but also every claim which had in it a shadow of equity, so that there might be no just ground of complaint by any one hereafter. They believed it altogether more important to the State and the city of Boston to bring this large property into immediate preparation for the valuable uses to which it is, in the future, to be applied, than to save possibly a few thousand dollars

after the long delays and heavy expenses, which are sure to follow litigation in such cases.

THE SAVINGS BANKS.

The report of the Commissioner of Savings Banks shows an increase of \$17,393,147.89 over the amount deposited the previous year. The whole amount on deposit is now \$112,119,016.64, with a reserve in addition of \$2,682,591.59.

These institutions are becoming still more the favorite places of deposit, not only for persons of small means, but also for those seeking investment for very considerable sums. The dividends paid by them from year to year are large, showing that they are managed with skill and integrity. The State has always encouraged deposits in them as furnishing the greatest security for those persons having a little money to loan, but who cannot afford the time, and have not the proper knowledge to make other investments. The prudent management of these banks has met its reward in gaining the confidence of the public to such a degree that even the capitalists use them as places of investment. So evident is it that no harm will come from this increase of deposit, but great benefit, that I again recommend the increase of the amount of deposit which may be made by any one individual to five thousand dollars.

Active capital, invested in our own State, is one great need for the increase of manufacturing enterprises. Investments in other States may pay large dividends for a time, but as a rule they are not so safe, nor in the end are they more profitable to the investor than those made in manufacturing corporations in our own State.

A million dollars invested in a manufactory here will keep the people of a large village employed, enhance the value of property around it, and add taxable property to the Commonwealth.

The owners can then oversee and direct their corporation or company, and know whether it is carried on for their benefit or for that of some intimate friend of the superintendent, director or manager.

Every facility should be afforded our merchants and manufacturers to obtain the use of active capital. Our national banking system does not allow an increase of banks in this State, and the public have, therefore, no other resource left to obtain loans but from private banking houses, unless the larger savings banks are opened to them.

Many of these institutions now use such portion of their funds as the law allows for loans on personal security, in dis-

counting mercantile paper : though it is doubtful if they can do so legally. This has been found not only safe and profitable, but of much service to men engaged in manufacturing and other business. There is no good reason why those desiring discounts should not have this access to the large amounts of capital placed in these banks. Very soon they will absorb a large portion of the active capital of the State, investment of which elsewhere will be a serious loss to the commercial community. I ask a careful consideration of this whole subject.

VALUATION COMMITTEE.

By an Act passed April 10, 1861, (Acts 1861, Chap. 167,) entitled "An Act to secure a uniform description and appraisal of the estates in the Commonwealth for the purposes of taxation," it was provided that the Secretary of the Commonwealth shall furnish yearly to the assessors of the several cities and towns suitable blank-books for their use, "with uniform headings for a valuation list," and that the assessors shall deposit with the Secretary of State every fifth and tenth year of each decade, a certified copy, under oath, of the assessors' books of those years.

The object the Legislature had in view in making that law, was, doubtless, to furnish the means for a comparison of the valuation of the several cities and towns for those years of the decade.

From the returns thus made, the Legislature sitting in the closing year of the decade would be enabled to make the decennial valuation without delay, and thereby avoid the large expense of a valuation committee sitting in recess. A committee of the Legislature sitting during the session will have many advantages, which are not available to one sitting in recess, as all parts of the State are fully represented, and the committee can learn from the members every particular relating to estates in the districts which they represent. The business will be done promptly, and the members will be well informed of the views of the committee, and the reasons for adopting the scale of valuation for the property of their districts.

EDUCATION.

The people of the State will ever feel a deep interest in the cause of education. It concerns every citizen ; and he should rejoice to share the responsibility of the trust. In its prosperity is the prosperity of the State.

If the character of the public instruction is high, then will that great multitude which go forth, annually, from our

public schools, to engage in the active duties of life, be fitted for the demands made upon them in this stirring and progressive age.

Every parent should feel that in the Common School System he can find that education for his child which will fit him, not only to discharge the daily duties of life, but also to enter into the higher walks of learning, if he desires to do so.

It must not be said of us, that we are falling behind other States in our methods of instruction; in the adaptation of our buildings, or any other means or instruments of education.

Though a great advance has been made in the last twenty-five years, still there is much room for improvement.

Our instructors must be more liberally paid, so that they may feel more encouragement to prepare themselves for the duties of their profession. Let them understand that their efforts to become successful teachers are fully appreciated and compensated by the community, and then there will be no further complaint of inefficiency on their part. The Normal Schools are doing much to elevate the standard of instruction, which was the main purpose of their establishment; but yet they can do very little towards supplying the great number of trained teachers that are required. Of the seven or eight thousand teachers in our public schools, probably not over one thousand have been trained in the Normal Schools. Several of the cities and some of the towns have established Training Schools, which are quite successful in aiding young persons in preparing to become teachers.

A large number of pupils leave the academies of the State annually, who, for a longer or shorter period, are employed as teachers in our common schools. They would be much better prepared if, before leaving school, they could have a course of training in the specific work of instruction, which is really an art to be learned.

The interests of education would be greatly promoted by a moderate appropriation from the School Fund to those academies which would establish training classes under suitable instructors, and such as have received the approbation of the Board of Education.

I find that there are in the State 270,000 persons between the ages of five and fifteen years. Of this number, 247,000 attend school a part of the year—the average attendance in winter being 200,000—showing a slight increase over former years.

The amount expended for instruction is \$3,123,886, an increase over last year of \$273,181; making an average of \$10.85, or an increase of about 95 cents over last year, for each child in the State. No better evidence can be given of the readiness of the people to place our schools on the highest basis, than the steady increase of the grants for their support from year to year. The best friends of education were fearful years ago, that the largest amount had been reached that could be raised by popular vote, but they have been surprised by an annual average increase of nearly \$300,000 for the four or five past years. In addition to the amount raised for instruction the last year, there have been expended in the erection and repair of school-houses, \$1,295,314. In the year 1845, my honored predecessor, Governor Briggs, estimated that the State contributed for all the purposes of public education, about \$1,000,000; but the expenditure in the State the past year, for which the people tax themselves, is over \$4,400,000. Surely we may congratulate ourselves that this is not an age of materialism with us, when the people so fully appreciate the importance of cultivating the mind.

No parent is justified in withholding from his child the benefits which he may receive from such ample provision for his education. The law passed by the Legislature, at its last session, abolishing the district system in all parts of the State has been carried into effect, cheerfully, and with the best results.

There may be cases of hardship and inconvenience in a few instances, but a new order of things will soon be established, better suited to the wants of the time, and more in accordance with our enlightened system of public instruction.

PENAL AND REFORMATORY INSTITUTIONS.

The reports of the Warden and Inspectors of the State Prison show, that the affairs of that institution are managed with such skill and prudence, that the people of the State are not subjected to taxation for its support.

The number of prisoners is larger than ever before, and it has increased steadily the past year. Intemperance is always a principal cause of crime, filling all our jails and houses of correction; and any course of public policy which increases this great evil, is followed by a greater number of commitments.

The almost unrestricted sale of intoxicating liquors for the fourteen months previous to the first of July last, resulted, as usual, in an increase of crime, and consequently a larger

number of prisoners. The commitments have diminished since October, indicating that the maximum has been reached, for the present. There has been no essential change in the management of the prison the past year. The discipline has been good, as usual, and the health of the prisoners is excellent, when we consider that all imprisonment is injurious to health. The last Legislature provided for the establishment of regular instruction in the prison during the winter months. The school has been in successful operation since September; proving that a large number of the prisoners would gladly avail themselves of its privileges, if they had the opportunity. It is the duty and interest of the State to provide them ample means of instruction. This must be evident to every one, who considers that the average age of the prisoners is about twenty-four years, and that a large portion cannot read nor write.

The prison is now so nearly filled, as to cause the officers in charge to consider what necessary provision can be made should there be a further increase of inmates. In this connection it becomes necessary to decide whether the present prison shall be enlarged, or a new one built in another location.

It may be found expedient for the State, and more in accordance with its spirit of reform, to establish some system of classification, whereby those committing high crimes, and who are hardened in vice, shall be separated from criminals who are young and inexperienced. The purpose of a young man on his first commitment to a prison, is to reform; but too often he finds himself placed side by side with the most abandoned; he is looked upon with ungenerous suspicion by his former friends; and after months of imprisonment, when he might have been taught much that is good, he has learned only evil. He is thus fully prepared, on his release, for a career of crime. If a prison were established with the reformation of these offenders for its leading object, many who are now lost to society might be saved and become useful and respectable citizens. Such an institution would be an honor to the State, be in keeping with its humane and enlightened spirit, and prevent a large amount of crime. Prevention is surely better than cure.

The classification of prisoners has engaged the attention of the humane and philanthropic for a long time, and recently their attention has been called more especially to the necessity of making such arrangements in our prison system as will bring about this most desirable result. The courts, in passing sentences, often send criminals for a longer period to

the House of Correction than they would to the State Prison, for the same crime ; showing that the disgrace of a sentence to a prison filled with old offenders is such as induces a shortening of sentences. Hardened criminals understand this, and often ask for commitment to the State Prison, in order that they may be the sooner released, to prey upon the community. Incurrible offenders should not be allowed to teach the young and thoughtless their ways and manner of life. The State is responsible for the evil which follows from herding them indiscriminately with the novices in crime.

If, on examination, it is found that it is for the best interests of the Commonwealth to enter on the work of classification, then it will become necessary to examine into our whole system of imprisonment, with a view to its improvement.

There are now fifteen houses of correction scattered through the State, in which are about sixteen hundred inmates.

A large part of these are under sentences from six months to three years, for all sorts of offences, from simple drunkenness to high crimes against person and property. In most of the institutions these prisoners are employed by contractors, who pay the counties for their labor from five to forty cents per day. Of course the cost of maintaining these prisoners is a heavy expense to the counties.

The labor of those who are sentenced for longer periods than six months is nearly as valuable as that of the inmates of the State Prison, if by any arrangement it could be made as available. The reason why the contractor is not willing to pay more for the labor of these men is readily seen. To make their labor valuable, workmen must become accustomed to the employments in which they are engaged. This cannot be done by those who are serving out short sentences, for the contractor has to pay the counties for their labor, with others, at the same rate.

Another serious difficulty is in the small number of prisoners in each of these institutions. If there were three or four hundred under one management, the cost of superintendence would be but slightly increased over that incurred where only fifty or sixty are confined. Those sentenced for long periods would be separated from those confined for a short time, and their labor would be made productive. All the arrangements for conducting the prison in the best manner, such as heating, ventilating and guarding, would be perfected. Secular, moral and religious instruction might be provided for the inmates, with much more hope of benefiting them, than when they were confined in various institutions and under as many different managements.

Still further, in this classification, a proper place of confinement may be provided for the several hundred female prisoners now scattered through these houses of correction. It must be evident to every one that prisons adapted to the confinement of men should be very different, in their construction and management, from those which are suitable and proper for women. Oftentimes women in a most delicate state of health, and even with infants in their arms, are sentenced to these houses of correction. Surely it is not creditable to the humanity of our State, nor to its reputation, that no provision has been made earlier, to remedy this condition of our criminal institutions. This classification will enable the State to accomplish another reform which has engaged the attention of the friends of humanity for a long time.

A large number of men are sent annually to the houses of correction, for limited periods, for simple drunkenness. No other stain rests on their good name, dear to them, and doubly dear to their wives and children. Sent to the same prison with the worst characters, humiliated by confinement even, stung, oftentimes, with remorse, these persons, many of whom never dreamed of injuring their neighbors, are ready to receive the malignant suggestions of the evil disposed and corrupt, with whom they are for the first time brought in contact. Our love of mankind should cause us to protest against a system so dangerous to all good intentions. These men should be placed where only the best influences prevail, where the spirit of reform is predominant; so that when they leave the institution, they may feel that no finger can point to them as felons.

The last Legislature authorized the appointment of a commission to consider the expediency of establishing an asylum for inebriates. The gentlemen composing that commission have given much attention to this subject, and from them you will receive trustworthy information and many valuable suggestions as to the treatment of this class of persons who, under our present system, are confined with criminals; which, to a true sense of justice, is a great wrong.

THE STATE CHARITIES.

A department of the State, which needs the constant care of the Legislature, is that of the State Charities. Under its supervision are all the State Almshouses, the Reform School at Westborough, the Nautical School and the Lancaster Industrial School; involving an expenditure annually of nearly \$600,000.

The people of the State are ever ready to incur any expense that necessity demands, to make most ample provision for the poor and dependent classes. But they will insist that wise economy should be used in the disbursement of the large sums necessary to carry out their benevolent intentions. The establishment of the Board of Charities laid the foundation of a system which, when perfected, will be an honor to the State in its provident care of the unfortunate, and at the same time a saving of expense by its economical administration. Under this system pauperism is steadily decreasing; while those really dependent on the public for support are having more intelligent and tender care bestowed upon them. A great purpose of the Board is to take from the careless and vicious every inducement to throw the burden of their maintenance upon the public. The various laws that have been passed to secure this object have been carefully considered and adapted to the condition of these persons.

The Board has been successful in its administration, and the result is that many dissolute persons who, when out of the public institutions, preyed upon the community, and when unable longer to sustain themselves returned to them periodically, have been greatly improved and are now useful members of society. For several years the Board has steadily pursued the policy of placing the children coming under its charge, as soon as it is proper to do so, in suitable families, where they can have parental care, and be made acquainted with the ordinary duties of life. Experience teaches us that the more nearly we can make the system of State institutions, where the young are placed, resemble that of the family, the more effective is it in the work of reformation. But there is no place so adapted to the wants of the young as the family. Acting on this policy, the State has within a few years placed in families from twenty-five hundred to three thousand children. They are the wards of the State, and it is her duty to guard their interests. A proper supervision of this large number of persons could not be expected from the trustees of the several institutions by whose authority they were placed in these families. To provide for a suitable examination and inspection of these children at their homes, the last Legislature established, under the direction of the Board, a Visiting Agency.

The duties of the Agent are to attend the examination of the children before the magistrates, and if the decision is that they should be placed in care of the State, then, if possible, to provide suitable places for them before they are sent to the reformatories; to visit, as often as possible, each child as long

as he is the ward of the State ; and if his home is found to be unsuitable, then to report to the Board for its action ; also to keep full and accurate records of all children in the care of the State, who come under the supervision of the Board.

This plan has worked favorably, although the Agency has not been in operation more than six months. Many of the children placed under the charge of the State, go directly to good homes, from the magistrates, without ever becoming a public charge.

That this system may be fully carried out, additional authority should be given to the Agent, to appear in behalf of the children before all the courts having jurisdiction in the cases of juvenile offenders ; and also to defend the State against those parties who, from motives of self-interest, endeavor, constantly, to throw the burden of their maintenance upon the Commonwealth.

IMMIGRATION.

All foreign passengers arriving in the State, come under the supervision of the Agents of the Board of State Charities, to whom the fees for landing are paid. These fees amount to a large sum annually, and are likely to increase rather than diminish hereafter, as the number of immigrants landing at the port of Boston is steadily increasing. There is no proper provision for their comfort when they arrive, if, from sickness or other causes, they desire to remain a short time. Many come from the Continent, and, being unacquainted with our language, customs or manners of life, they desire important information, but know no one that can inform them. The Board should have authority to appoint agents who can speak the foreign languages, whose duty it shall be to give these persons all needed information, to enable them to go safely to their places of destination, and protect them from the impositions of rapacious and vile persons who are ever ready to entrap the ignorant and unwary. Justice, as well as good policy, demands that generous care and attention should be afforded these strangers coming to enjoy the abundant blessings of our free land, to whose advancement they will very soon contribute much by their faithful industry.

GEORGE PEABODY AND JOHN CLARKE.

I should do injustice to my own feelings did I fail, on this occasion, to notice the noble and philanthropic spirit manifested by two of the sons of Massachusetts, who have termi-

nated their earthly courses within the past year. Such examples are truly our glory and honor.

George Peabody has been a faithful representative of the people of his State and nation in a foreign land. His personal character and commercial success would command respect anywhere, but the nobleness of his nature, which led him to make such munificent and princely gifts for the benefit of his fellow-men in both hemispheres, without regard to rank or color, has given him world-wide fame, and no title could add lustre to his name. His remains are to rest in the soil of his native State, whose people will ever honor him as the benefactor of his race. His influence survives him in the noble institutions which he founded, and generations yet unborn will bless his name and revere his memory.

While paying the tribute justly due our distinguished countryman, I would also allude to another untitled fellow-citizen, who will be remembered with ever-increasing respect for his generous gifts to a most humane and beneficent charity,—the late John Clarke, of Northampton. His donation of fifty thousand dollars in 1867 founded the School for Deaf Mutes at Northampton, which my honored predecessor, in his annual message of 1868, referred to as being, up to that time, the largest gift that the State had ever received for any similar purpose. He has added by will, to this amount, two hundred thousand dollars in gold, which will place this young and successful institution on a sound basis—an enduring monument of the broad views and generous purposes of this quiet, yet far-seeing man. Here Massachusetts may give voice to her hitherto silent children; here, especially, this unfortunate class may enjoy the advantages of those methods of instruction now being successfully developed, and which are so interesting to all instructors of deaf mutes.

Both of these noble men furnish examples of the wisdom of beginning, in life, the work of charity which, too often, is left wholly to others, who, perhaps, do not partake of the spirit of the donors.

THE MILITIA.

In company with the members of my staff, gentlemen who are familiar with the details of military duty, from long and honorable service in the war, I visited the several encampments of the militia in the autumn.

It was the universal testimony that the troops were never in better condition or made a more soldierly appearance on review. Their discipline and order while in camp were

highly creditable to them and honorable to the State, and there was no complaint of any irregularity outside the lines, with a single exception, which I am sure will not be repeated. After much discussion and careful inquiry, the last Legislature passed a law permitting each regiment to adopt such uniforms as best suited their taste and convenience. This has proved very satisfactory to the militia, and most of the regiments appeared in new uniforms, which were tasteful and appropriate.

Nearly one-half of the troops have served in the war. Their presence gives efficiency and precision to the force when on drill, and I cannot too highly commend the spirit of patriotism which induces these veterans to fill the ranks of our militia and to bear their share of the heavy expense which, notwithstanding the amount allowed by the State, all are obliged to incur who enlist in our volunteer militia.

There are now ninety-five companies of infantry, six of cavalry, and five batteries of artillery, fully equipped and ready for active duty.

Recognizing the important and honorable service rendered by the militia at the breaking out of the rebellion, and feeling as I do most sincerely, that nothing should be done to weaken the attitude of the State, when compared with its former position, still it seems possible to reduce the force without seriously impairing its efficiency. To human eye there would seem to be no possible necessity for the active services of any large number of men, yet warned by the past, we should be unfaithful to our trusts, if the State failed to be prepared for any and every emergency.

Our State taxes which were trifling comparatively before the war, are now heavy, and they will continue to be burdensome for a long time.

It should be the endeavor of all having the care of public affairs to reduce the expenses so far as it can be done without injury to the public service.

No one department can be greatly reduced without serious detriment; but by making a moderate reduction in several the aggregate saving will be large to the treasury.

After careful investigation and consultation with the Adjutant-General, whose large experience and sound judgment render his views in such matters worthy of high consideration, I am of the opinion that the appropriation for the support of the militia may be lessened nearly thirty thousand dollars, and leave the force in as fine condition in every respect, with the exception that the number of men attending the fall encampments will not be as large by about one thou-

sand. The number of men entitled to compensation would then be nearly five thousand. This will leave the force as large as it was before the war; and there would seem to be no necessity for an increase at this time.

The Adjutant-General has reduced the expenses of his department as far as it is possible until the record of the soldiers who served in the war is completed, which there is every reason to expect will be accomplished by the first of July next.

AID FOR THE SOLDIERS OF THE WAR.

The Act providing "State aid for our disabled soldiers and sailors, and their families, and the families of the slain," expires on the first day of January next. If this Act is renewed this session, it will save those embraced in its provisions from want and suffering next winter; for, unless this should be done, relief, in the common course of legislation, would not reach them until the season in which they most need help, has passed away. Some modifications of the act may be made, by which the appropriation to carry out its provisions may be lessened considerably, without doing injustice to any one. Under the law now in operation the Commonwealth has disbursed to the soldiers of the war, and their families, more than six hundred thousand dollars annually.

It cannot be necessary to urge this claim. Its appeal is to every sentiment of justice, of gratitude, and even to public policy. We should keep in remembrance the hour of our great peril, when these men and their families made their costly contributions to save the nation's imperilled life. Now it is our duty and our privilege, to make them the poor return of shielding them and their dependent relatives from absolute want. Remember that war is still a possibility, and any neglect shown those engaged in the last conflict would immeasurably increase the difficulty of filling our ranks in the future.

Notwithstanding the time that has elapsed since the close of the war, the work of the Surgeon-General's Department is still large, and it must continue to be so for some time to come, if we continue to aid our soldiers in obtaining their pensions, and if we attend to the numerous calls for the aid which they have received hitherto. The cost of this bears no comparison to the great benefits it confers on these veterans, and I have no hesitation in recommending its continuance.

I ask your attention to the reports of General Dale and Colonel Tufts, whose earnest devotion to the welfare of the soldiers and those for whom this department was established is well known to all.

INTOXICATING LIQUORS.

The Act concerning the manufacture and sale of intoxicating liquors has now been in force for six months. Within this short period much has been done to stop the general sale of liquors; a large number of those who were selling under former laws having abandoned the open traffic, and many having ceased to sell altogether. The law has secured the acquiescence of the people generally, and there has been very little opposition in its execution so far as it closes the tipping shops. It appears, also, to have diminished another evil—the sale in small quantities to be used in families, where the inevitable result has always been to produce misery and crime.

The people of the State will not submit patiently to the restoration of the open bar, that relic of a less enlightened period, which has wrought the ruin of so many families, and brought to untimely graves thousands of the noblest and most generous spirits of the land. It is manifestly no longer in accordance with their character or wishes. There is indeed a wonderful change in the ideas and habits of the community, resulting from the general diffusion of intelligence, the discussion of the use of intoxicating beverages, and the restraining influences of law. Every philanthropist should be encouraged to continue his labors when he sees such progress in public sentiment made in a single generation, in a matter so directly affecting the personal habits and social customs of the people. While the law, so far as it aimed to suppress common tipping, has thus been accepted, it has undeniably met with much opposition in other particulars. The discussion of the whole subject has been earnest; and to some extent already assumed the form of political action. Coming directly from the people, you can now understand fully the objections to the law, and the remedies necessary to remove them. As wise men, desiring the best interests of the State, and believing that its future greatness depends on the sobriety, intelligence and morality of its people, you will carefully inquire what measures are calculated to make the law satisfactory to all who really desire the best interests of society. All laws of any value must have at least the assent of the public, if not their earnest support. After so much thorough discussion, and with our present experience, it

would seem to be possible, though difficult, for the Legislature to make such enactments on this subject as will be in accordance with the spirit of the age; and will, in their administration, secure the cordial concurrence and coöperation of the community.

It should be regarded, gentlemen, as a privilege to be accepted willingly, that you have the opportunity to settle for the present, so far as legislation may, this great question. For the completion of this most desirable reformation, we must rely upon enlightened personal experience, and on the growing conviction that a custom from which so much evil comes, and which yields no good results, should be abandoned by all, and especially by those who hold positions of honor or influence.

From Colonel Brodhead, the State Agent, I learn that the authorities of the cities and large towns do not comply with the law in regard to the appointment of agents, with authority to sell spirituous and intoxicating liquors for medicinal and mechanical purposes. As this provision of the law now stands, it is entirely inadequate for this purpose, so far as it applies to these communities. If the public are to rely on the agencies for their supplies, some further provision must be made in order to meet this necessity.

I shall take the opportunity, at an early day, to lay before you the report of Major E. J. Jones, Constable of the Commonwealth, (a most faithful officer,) detailing the operations of his force during the past year. This organization never stood higher in the public estimation, and a careful examination of the report will show that they have performed a great amount of difficult service, in a manner that should merit general approbation.

AGRICULTURAL MATTERS.

The season has been one of more than usual prosperity to the agricultural interest of the State, with some local exceptions arising from the gales and floods of the autumn. There has been for some years a growing conviction in the minds of the farming community that labor on the farm is less remunerative than labor in mechanical and other pursuits; that the same skill and intelligence applied to other kinds of business are sure to be rewarded with better results; that the farmer does not and cannot receive, under our present market system, his fair proportion of what the consumer has to pay for the products of the farm. Whether this conviction is well founded or not, it has exercised a powerful influence in leading young men to leave the farm; causing not

only a notable reduction in the population of our strictly rural towns, but also a depreciation of real estate in them. The markets of our principal cities being subject to municipal regulations, the freedom of such markets and of more direct trade and intercourse between the producer and the consumer may not come within the range of legislative control, but it is a legitimate subject of inquiry whether this most grievous obstacle to a greater agricultural prosperity can in any way be removed by legal enactment.

The system, adopted by the State, of encouraging the development of Agriculture through bounties to the agricultural societies, has, undoubtedly, accomplished much good, though the plan of permanent location which so generally prevails, has centralized and circumscribed the influence of the societies, now multiplied to the number of thirty; or more than two to each county. It may well be doubted if the interests of the Commonwealth will be promoted proportionally to the additional draft upon the treasury, by any increase of this number; and whether securing a more efficient and proper management of those already existing would not benefit the farming community more than any farther increase.

An appropriation was made by the last Legislature, of four hundred dollars, to be expended by the Board of Agriculture, in premiums for the best treatises on the science of road making. At present there is among us no general system of laying out and constructing common roads; and the consequence is, that in most of our towns the streets and roads are narrow, circuitous and badly graded and drained. Among the outward indications of advancing civilization, good roads hold a prominent place. Nothing gives a town or village a more attractive appearance than wide highways and streets, well laid out and graded; and few things contribute more to the convenience and comfort of the people. I recommend a reconsideration of this subject, which is of increasing interest to all our thriving towns and villages.

THE LABOR QUESTION.

The condition of labor demands our earnest attention. The skill and energy which produce the material results which we witness everywhere should not be overlooked or forgotten. Though favorably located for commerce and manufactures, our position would be valueless but for the untiring industry which makes use of these opportunities. Our future success in manufacturing depends upon the intelligence and faithfulness of our laborers.

Public policy, then, would justify special care of all their interests on the part of the Legislature. Accordingly, commissioners have examined the subject, and from their reports and suggestions have resulted laws intended for their benefit. It is to be hoped that whatever suggestions or requests may be made to you by this large class of our fellow-citizens, coming within the legitimate scope of legislation, may receive most careful and cordial consideration.

INDIANS OF THE COMMONWEALTH.

By the Act of the last Legislature, entitled "An Act to Enfranchise the Indians of the Commonwealth," that class of persons, held since the landing of the Pilgrims under political and civil disabilities, is endowed with equal civil rights, and henceforth every inhabitant of the Commonwealth, without distinction of race or color, is equal before the law. Until the passage of that Act the Indians of the Commonwealth, and people of color residing on Indian lands, though recipients of the liberal charities of the Commonwealth, were the subjects of unjust civil and political proscriptions. And it is only at this late day that Massachusetts recognized citizenship, not guardianship, to be the right of every person, and the surest means of elevation and improvement, and of preparation for their future duties. Justice, so long delayed, is at length yielded to the Massachusetts Indian. Let us hope that justice, not charity, citizenship, not guardianship, will as soon as possible be conceded to the American Indian, and may the last relics of the prejudice and proscription, which have so long retarded the progress of these unfortunate people, be speedily removed.

All the Indians of the Commonwealth now enjoy full civil rights, and all except those of Marshpee and Gay Head are endowed with full political rights. The Act before referred to left those tribes under the political disabilities previously existing.

It is desirable for the good fame of the Commonwealth, and due to the Indians themselves, that these disabilities should be removed. The principal reason for not recognizing the full political rights of these tribes seems to have been a difference of opinion upon the question whether they should be made separate towns, or whether they should be annexed to adjacent towns. In regard to other Indians, scattered in small numbers in different localities, this question was easy of adjustment. But these two tribes, having each a larger population than any other, might, it was thought, be made separate municipalities.

The number of the Marshpee tribe, actually residing on the territory, is about three hundred; that of the Gay Head tribe is about one hundred and seventy. The policy of creating new towns, with so small a population, is at least doubtful, and this doubt is increased when we consider the burden which the cost of maintaining a town organization would lay upon so small a population, especially of the character of these people.

The peninsular condition of Gay Head seemed to make annexation to the adjoining town of Chilmark a matter of greater difficulty than in the case of Marshpee. But in both cases it may be worthy of the consideration of the Legislature whether it will not be better to leave them as they are, until the prejudice against color, born of slavery, and now rapidly disappearing, shall no longer be an obstacle to the incorporation of these people with the adjoining towns.

COMMERCIAL AFFAIRS.

Our commerce, so essential to the prosperity of the State, and the honor, and even safety of the nation, is still depressed, notwithstanding the persistent energy of those engaged in this noble pursuit. With deep satisfaction, therefore, we perceive the indications that the nation is awaking to some proper appreciation of our condition as a commercial people. It is obvious to all that we are not fostering that great branch of national industry, the construction of a commercial marine, from which, in war, the nation has received such ready and powerful assistance on the ocean.

It is gratifying to see that Congress has appointed a committee to inquire into the causes of the present condition of this great interest; and how it has come to pass that the American flag has been almost driven from the sea; so that not an ocean steamer floats it, and foreign standards are borne from our ports by a large proportion of other sea-going vessels. From the earnest and faithful labors of this committee, and the fact that the President and two Heads of Departments have made express reference officially to this subject, we may expect early and favorable legislation in its behalf; in which not only the seaboard States but the whole country is deeply concerned. The idea cannot too soon be abandoned by this nation, that the general government ought not to foster the commercial marine, *because* it is a local and limited interest. On the contrary, there is no one department of industry more completely national.

It does concern not only the people of the Atlantic States, but also every farmer of the Western prairie, and every

other American citizen, that there be a commercial marine—a training-school for our brave seamen, who help to sustain the nation's honor and life in time of war. For, our entire history has showed us that the legitimate, the economical school of the navy, is the peaceful commercial ship.

The true policy would be, to expend some small portion of the large sum annually devoted to support the navy, in encouraging an interest which, in time of war, will furnish the seamen who are to man its vessels, and without whose aid they must remain idle in their docks. This topic is commended to your attention, that you may take such action as shall seem to you expedient.

NATIONAL AFFAIRS.

We cannot forget that we belong to this great Union, made indissoluble by the events of the late war. The struggle for national existence has revealed to us our strength and the chief cause of our weakness. This cause has been removed, and no interest at war with human liberty now predominates in our land.

The throes of the mighty contest are still felt, but each day lessens their force, and soon they will have passed away forever.

The election of the Great Captain to the Presidency at once gave assurance of peace to the country. The hopes of the firmest friends of the incoming administration have been more than realized. The laws, so far as the General Government, is concerned, are enforced ; integrity prevails in all its departments, and the steady decrease of the national debt gives assurance of its ultimate redemption.

The final act, the Fifteenth Amendment to the Constitution, which will place all the people of this nation on an equality, politically, is nearly consummated. Its completion will add lustre to our name, by proclaiming to the world that no prejudice of race will prevent justice being done and equal rights accorded to the most oppressed and obscure in the land. It will give to the freedman the ballot, the only power that will effectually save him from abuse and wrong, and all laws affecting personal liberty and political rights will be substantially the same in every part of the Union.

Slowly but surely the great problem of the destruction of slavery is being demonstrated. From its ashes will arise a nobler civilization than has hitherto been known in human history. The people of the Old World, in their attempts to wrest from the hands of tyrants the liberties so long withheld, and for which they have sacrificed so much, are receiv-

ing from our history fresh impulse and new encouragement. Let us as a people do our part in bringing in the better and brighter day.

LENGTH OF SESSIONS.

Before I close you will permit me to bring to your attention the importance of using every effort to shorten our legislative sessions.

The people of the Commonwealth are manifesting increasing discontent at what they regard an unnecessary delay of the public business. That one-half the year should be devoted to the enactment of laws, in an old and settled community, with so full a code of general laws, to them seems unjustifiable. Every one acquainted with public affairs, knows that there is an evil attendant on long sessions, aside from the heavy expense incurred.

Business matters affected by legislation cannot be arranged satisfactorily while there is an uncertainty as to the law regulating them. It were better, oftentimes, to endure a slight inconvenience from some real or supposed defect in a law, than to have it changed every year. It is obvious that general laws, affecting particular interests, should be enacted, so far as possible, that alike may share the benefits and bear the obligations imposed.

A close adherence to this course, with earnest application at the beginning of the session, will enable you to bring your labors to an early close, for which you will, undoubtedly, receive the cordial commendation of your constituents.

It will be my pleasure to concur in all measures tending to this result, as well as every other that is likely to promote the best interests of the Commonwealth.

Senators and Representatives :—

Most of the subjects now laid before you, relate especially to our own Commonwealth. They vitally affect her future well-being—socially, morally and materially. Your action may stimulate the people to higher aims and nobler purposes or it may retard their best efforts to elevate their own character and to sustain the honor of the State. Never in her history did Massachusetts have more occasion to be proud of her standing in the nation. Her sons, however widely scattered, turn to her with affection, recognizing that, in her laws, customs and institutions, the best instincts and highest hopes of her children are always cultivated and encouraged.

As far as possible let your legislation be such as to keep them here to enjoy the fruits of their fathers' labors, not so much in the wealth which may descend to them, as in the means of happiness which are open to every one, in the broad and liberal culture which surrounds them, and the incentives which induce to a preparation for that higher life which should be the hope and expectation of us all.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS
EXCELLENCY THE GOVERNOR, TO THE LEGISLATURE,
DURING THE ANNUAL SESSION.

[To the Senate, January 24.]

I have the honor to transmit herewith, for the information of the General Court, an able and interesting report from the Fish Commissioners. These gentlemen are deeply interested in fish culture, and have devoted much time and attention to our inland fisheries. The result of their investigations, as embodied in their report, shows the importance of prosecuting their inquiries still further, that the public may have the benefit of their experiments. They have never received any compensation for their services, except for their personal expenses, incurred in travelling for the purpose of viewing the works in progress, and obtaining information as to the best method of constructing them. The series of experiments which they have instituted cannot be completed without further appropriation, and I cordially commend to the favorable attention of the Legislature their request that a sum sufficient for the purpose may be placed at their disposal.

I also transmit the report of the Deputy State Constable charged with the execution of the law "Regulating the Employment of Children in Manufacturing Establishments."

[To the House of Representatives, January 25.]

In compliance with an Order adopted on the 20th of January, calling for copies of certain communications made to the Executive by the Boston, Hartford and Erie Railroad Commissioners, I have the honor herewith to transmit the same for the information of the General Court.

[To the Senate, March 5.]

I have the honor to transmit herewith the report of the Committee of the Council on the Boston, Hartford and Erie Railroad on the affairs of that Corporation. This report has been accepted by the Council as the basis of their action in the future.

Early in January I ascertained that, owing to heavy losses made in speculating in the stock of the Company, the Directors had determined to apply to the Legislature for aid from the State to a very much larger amount than was generally supposed to be necessary to complete and equip the road when they gave notice in the public papers that an increase would be asked for.

This action determined me to request the Council to investigate the transactions of the Corporation before issuing more scrip. It was stated by the Directors to the last Legislature, in applying for additional aid to the Corporation, that the five millions of dollars to be issued in scrip, and the funds on hand, would be sufficient to complete the road to Fishkill. The report of the Committee of the Council shows conclusively, as I think, that at the time the bill was passed granting the aid, the statement of the Directors was correct, and the Corporation had means sufficient for that purpose. It seems probable, from the exhibit, that a portion of the money at that very time was invested in the bonds and stock of the Corporation, which were held in the expectation and hope of an advance in the price. In addition to this, the Directors pledged a large amount of the bonds for advances, instead of selling them in the usual way. Since last November many of the bonds have been sold at reduced prices, to pay the advances, and the result is, a larger loss to the Corporation than if they had been sold in the market at the time of their issue. This loss, however, does not affect the State so directly as the loss from speculations in the stock. The funds invested in the stock were taken from the treasury of the Corporation, in which they were placed to be used in constructing the road, and any considerable loss from the investment deprived the Corporation of the power of finishing the work. This loss, as shown in one item alone, is over one million five hundred thousand dollars. Mr. Philbrick, the engineer appointed to examine the road in behalf of the State, informs me that it will require about two and a half millions of dollars to complete the grading, and furnish and lay the iron to Fishkill.

It will be readily seen how important these million and a half dollars were to the final completion of the road.

Self-preservation, if not prudence, would seem to have been sufficient to have kept the managers from thus perilling an enterprise so vital to them personally, and so important to the State. But instead of keeping the funds sacred, and devoting them to the purposes for which they were intended, they invested them in the stock of the Corporation, at a

much higher price than that obtained when it was originally issued. The authority to do this by the Act of incorporation is doubtful at least, and as trustees of a great enterprise they certainly had no warrant for thus employing the money placed in their hands.

In issuing scrip the Council have used much caution, and have uniformly refused their assent until perfectly satisfied that all the conditions of the Act were fully complied with. From inquiries made of the Directors of the road, from the contractors and engineers and all parties having knowledge of the situation of the Corporation, the Council were led to believe that though its means were inadequate to the full equipment of the road, still there would be no interruption of the work of construction, and that the road would be finished in July, or at the latest by the first of September next, to Fishkill. The Directors now acknowledge that the Corporation is burdened with a heavy floating debt; that they have no bonds on hand; that the stock is issued to the last dollar, and there is no money in the treasury. Under these circumstances I feel bound to continue to withhold my assent for any further issue of the bonds of the State until the whole matter has been passed upon by the Legislature, and the Council have fully concurred with me in this decision. There are many irregularities disclosed in the investigation, which show a culpable disregard of the usages and proprieties of well-managed corporations. One matter deeply concerning the bondholders, and, of course, the State, which now holds three million six hundred thousand dollars of the bonds as security for the aid furnished the Corporation, should be promptly considered by the Legislature. By the terms of the mortgage there are three trustees, who, in case of failure on the part of the Corporation to fulfil its agreements, are to manage the property for the bondholders. These trustees at the present time are John S. Eldridge, Henry N. Farwell and Mark Healey, all active and influential members of the Board of Directors.

One of them is directly responsible for the speculations in the stock which has been so disastrous to the Corporation, and the others were cognizant of, if they did not consent to, many of the transactions.

It is certainly a great impropriety for either of these gentlemen, while they are Directors, to hold the position of trustee under any circumstances: and certainly, in the present condition of the Corporation, a change is imperatively demanded. The trustees should have no direct interest in the management of the Corporation. They should have no

special duty except to guard the interest of the bondholders, and still less should they have any interests which may be antagonistic to those of the bondholders.

In placing the matter before you for your consideration and action, I cannot fail to express my conviction of the importance of the enterprise to the future well-being of the State, opening, as it does, another great avenue to the West for the business of Boston and the eastern section of the Commonwealth; but no corporation can be successful which is managed by parties so reckless of the trusts committed to them, and who depart so widely from the common principles of prudence, economy and faithfulness, which are necessary to secure the confidence of the public.

The investigation of the Council was properly confined to the question whether any more scrip should be issued under the Act of last year.

A broader inquiry, I respectfully suggest, is incumbent on the Legislature in considering the whole matter. That inquiry is as to the probable cost of finishing and equipping the road for a great commercial line capable of competing with the existing lines to the South and West, and whether sufficient aid can be given with that reasonable security to which the State is entitled.

[To the House of Representatives, March 14.]

In accordance with an Order adopted on the 9th of March instant, requesting that there be furnished to the House of Representatives the detailed statement of the experts employed by the Council Committee in the matter of examination of the books and accounts of the Boston, Hartford and Erie Railroad Corporation, referred to in my message in relation to that corporation, I have the honor herewith to transmit a copy of the same for the information of the General Court.

[To the Senate, April 19.]

In accordance with the legislative Order requesting the Governor to furnish copies of certain certificates by commissioners appointed under chapter 284 of Acts of 1867 and of certificates of the engineer appointed under chapter 450 of the Acts of 1869, together with copies of Council orders pertaining to the delivery of Boston, Hartford and Erie Railroad scrip, I have the honor, herewith, to transmit the same for the information of the General Court.

[To the House of Representatives, May 26.]

I am impelled by a sense of duty to return to the House of Representatives, where it originated, a bill entitled "An

Act to amend chapter 167 of the General Statutes, in relation to the running of horses for wagers," with my objections to the same.

It is only by comparing the provisions of the first section of this Act with section 9 of chapter 167 of the General Statutes, which is repealed by the second section, that the true character of the bill under consideration can be seen.

Section 9, chapter 167 of the General Statutes is as follows :—

" All racing, running, trotting, or pacing of any horse, or other animal of the horse kind, for a bet or wager of money, *or other valuable thing or for a purse or stake* made within this state, is declared to be unlawful; and all persons engaged in such racing, running, trotting or pacing, for any such bet or wager, *purse or stake*, and all persons aiding or abetting the same, shall be punished by fines not exceeding one thousand dollars, or by imprisonment in the jail, not exceeding one year, or by both such fine and imprisonment.

The Act under consideration is as follows :—

SECT. 1. All racing, running, trotting, or pacing of any horse, or other animal of the horse kind, for a bet or wager of money, made within this state, is declared to be unlawful; and all persons engaged in such racing, running, trotting, or pacing, for any such bet or wager, and all persons aiding or abetting the same, shall be punished by fines not exceeding one thousand dollars, or by imprisonment in the jail not exceeding six months.

SECT. 2. Section nine of chapter one hundred and sixty-seven of the General Statutes is hereby repealed.

The prohibition of betting or wagering *any valuable thing or for a purse or stake* upon horse racing is by the present bill entirely removed. This bill in itself appears to be in the interest of good morals, but when it is compared with the section of the law which it repeals, certain words and phrases are omitted in such a manner as to have quite the opposite effect, and leave only betting or wagering for money an unlawful act. All other forms of bettings at horse races, such as bets, wagers or stakes of watches, diamonds or "other valuable things" are legalized, and even the form of bet or wager known as the "pool" is supposed by persons engaged in the business of gaming to be included.

All forms of gambling are repugnant to the moral sense of the people of the Commonwealth, and they earnestly desire most rigid enforcement of the laws tending to its suppres-

sion. The license allowed by this bill will increase the number of these races for the sole purpose of gambling. Under it I cannot see how there would ever be a violation of law. Two men would bet a certain sum, each would put his amount of money in the hands of a stake-holder, and then it would be called a *purse* or *stake*. There would be no betting of money. Each would in fact bet or wager money, but when paid in and united with his opponent's bet, it would be christened a *purse* or *stake*, or the money might be temporarily invested in *some valuable thing*, and so the wager would be made legal. With the most stringent laws every good citizen must feel that there will be opportunities enough for the indulgence of this kind of gambling. The occasion brings together crowds of persons who live by gaming, and the young and thoughtless who visit the race-course from curiosity are drawn in and taught the ways of the vicious. In our densely populated communities the race-course is very objectionable to the residents near the grounds. They are much disturbed by the intrusion of lawless persons whom it is hard to control even with a large force of police.

Surely no encouragement should be given by law, to increase the number of these places, which produce no good result, but, on the contrary, much evil. So far as I can learn, no one petitioned for a change in the law, and there is no complaint of its interference with the proceedings of associations whose purposes are worthy, in any part of the State.

I am quite sure that the bill was passed under a misapprehension of its true character, and that on a reconsideration the Legislature will decide that it is wiser and more in accordance with the sentiments of the people of the Commonwealth to strengthen rather than to weaken the law.

[To the House of Representatives, May 28.]

I have the honor to transmit herewith, for the information of the Legislature, the reports of the special agents who were sent to Europe under authority of chapter 201, Acts of 1869; the same being furnished in compliance with the request expressed in the House Order of April 13, 1870. Previous to the adoption of that Order only verbal reports had been made to me, and Mr. Walker's absence from the State necessarily caused some delay. As his agency was deemed the more important, and as he spent more time in Europe than Mr. Loud, the latter desired to see Mr. Walker's report before making his own. I deemed this request reasonable, although it caused further delay, and prevented an earlier transmission of the reports.

[To the House of Representatives, June 20.]

I return without my approval the Bill entitled "An Act to aid in the construction of the railroad of the Boston, Hartford and Erie Railroad Company."

The people of the Commonwealth began to see very soon after the introduction of railroads into this country that the prosperity of this State depended upon establishing a direct communication with the canals of New York and the railroads of that State and other States west. Private enterprise was at that time inadequate to the construction of so great a work, and the State was obliged to decide either to aid the corporation which was attempting to build a railroad to the Hudson River or to let the enterprise as a through route be abandoned. The aid was granted, as from time to time it was needed, and the railroad was completed successfully.

Other railroad corporations have been assisted in like manner, and they have proved of immense advantage to the State and sufficiently remunerative to the stockholders.

The success of these enterprises has induced other parties to enter upon new plans to bring the people of the Commonwealth into more intimate connection with the great railroad routes to the West. A charter was granted for the Hoosac Tunnel route, with State aid, upon the usual conditions. The company failed to procure funds to any considerable amount from private persons, and the grants from the State being entirely unequal to the accomplishment of the work, the corporation abandoned it, and it has been assumed by the State. In all these instances the State acted upon the principle in granting the aid, that it was to have the first security on the road, and the best that the corporation could offer. This principle was not observed in giving aid to the Boston, Hartford and Erie Railroad Company; but the State agreed to take security, in partnership with private persons, in Berdell mortgage bonds,—upon the express condition, however, that before any bonds of the State should be issued to the company, the directors should satisfy the Commissioners and the Governor and Council that they had, with the amount loaned by the State, funds sufficient to build the road to the Hudson River.

After careful scrutiny the Governor and Council, and the Commissioners, on the sworn statement of the directors, and the evidence laid before them, became satisfied that the corporation had sufficient funds to carry out the contracts for building the road, and accordingly issued the bonds of the State to the corporation towards the close of the year

1868. The last Legislature modified the original Act by increasing the amount of the aid to five millions of dollars upon certain conditions which, in my estimation, were quite as favorable in the matter of security to the Commonwealth as the former Act. Under the two acts three millions six hundred thousand dollars of State bonds have been issued, and a like amount of Berdell bonds, so called, is in the hands of the State treasurer. Before any bonds were issued the Council made careful inquiry into the condition of the funds of the corporation, and were assured most positively that they were securely invested, and were sufficient, with the aid to be furnished by the State, to complete the track to Fishkill.

Subsequent investigation has substantially proved this statement correct, although it shows that much waste had then occurred, and a series of transactions in stocks had already been entered upon which were totally unwarranted by the charter, or by any custom of properly managed railroad corporations.

In my message of the 5th of March I called the attention of the Legislature to the condition of the company. Previous to that time an examination had been made by the Council which revealed a state of things altogether new to this Commonwealth in her dealings with corporations. By that examination it was proved that the funds of the company had been diverted from their legitimate uses to purposes of speculation and other purposes still worse; that in that diversion the corporation had lost large amounts, and over two millions of dollars in direct speculation in the course of a few months; and that at the date of the message there were no funds in its treasury. From time to time a floating debt amounting nominally to more than eight millions of dollars had been created, and there was no provision for its payment.

By this bill the road is put under a new mortgage of fifteen million dollars, which will swell such indebtedness to the amount of thirty-five millions of dollars, with interest at the rate of seven per cent., amounting after the year 1872, provided all the outstanding coupons are exchanged for second mortgage bonds, to the large sum of two millions four hundred and fifty thousand dollars annually. No one at all conversant with the earnings of railroads can possibly expect that the income from the road will approximate this amount, for many years to come. The State is asked to give up the security for her loan, and take in place of it these new bonds, which certainly can be of very little value.

The Commonwealth has performed her part of the contract generously, and in good faith. The necessity for this new loan is admitted to arise from losses made by the directors in outside transactions, and not in the legitimate business of building the road. The parties in interest, who will receive the whole direct benefit of the loan, are asked to surrender less than twenty-five per cent. of their bonds, while the State is to surrender the whole of hers. The bill increases the indebtedness of the corporation at least ten millions of dollars with but a very small increase of means, —certainly not more than two and a half or three millions of dollars. What hope of success can there be with funds borrowed at such ruinous rates? Such a sacrifice of property, for I can call it nothing else, is not just to the people of the State; and to me does not seem necessary for the completion of the enterprise.

By the bill the State is made responsible, to some extent, for the character of the directors of the corporation. The assumption is that those having the conduct of its affairs, in the past, have proved derelict to their trust, and that a supervising power must confirm the election of new directors. It seems to me that the State should assume no such responsibility. Before granting aid let the legislature become satisfied with the character of the company. The corporation should appear before the legislature purged of suspicion. The State ought not to continue its association with the corporation, which has shown such reckless disregard of the great interest committed to its keeping. The stockholders have taken no steps to repudiate the action of their directors; and any future board of directors will represent the same interests. It should be an indispensable condition to the granting of any further aid by the State, that the trustees under the Berdell mortgage should first be put into the full possession and control of the railroad and all its concerns, in order that there may be assurance that the means provided will be faithfully devoted to the purpose for which they are intended. By this course, the debt of the corporation will be kept down to the lowest limits now possible, and the responsibility of the State for its future management will cease. The holders of Berdell bonds will also have a much greater inducement to furnish means sufficient for the completion of the road.

My objections to the bill may be briefly recapitulated as follows:—

I cannot consent to the exchange of first mortgage bonds for second mortgage bonds secured by a mortgage on the

same property. It is true that the mismanagement by the corporation has seriously diminished the value of the security of the first mortgage; but this would hardly justify the gift of the bonds to the same corporation, notwithstanding this loss of assets. I cannot regard these bonds as entirely worthless. On the other hand, I cannot doubt that if the enterprise be placed in honest and competent hands, a large portion, if not the whole, of the cost of these bonds may yet be secured, and we cannot answer to the people of the Commonwealth for surrendering them without an effort to appreciate them.

It does not comport with the dignity or the interests of the Commonwealth to maintain the relations involved in this bill, with a corporation which has shown itself so incompetent and unfaithful to its trusts. The shares have only a fictitious value, depending solely upon the manipulations of operators; and so long as the holders of worthless stock elect the directors, the nominal control by the governor and council, or even by the trustees under the second mortgage bonds, will be of little avail. My own experience has proved how little such control is worth; and I should be unwilling to assume for myself or to transmit to my successors a responsibility supported by the semblance of power.

I cannot justify myself in consenting that the Berdell trustees be dispossessed, as this bill practically aims to do, of all control over their trust. They are the legal guardians of this enterprise; they have been appointed in accordance with a mortgage which has received the sanction of the four States through which the road passes, and I am happy to say they are gentlemen in whose capacity and integrity the public has entire confidence.

Anxious as I have been and am to see the flats of the Commonwealth filled in connection with this enterprise, I cannot escape the conviction that, if the State is to furnish, substantially, the entire means for this purpose, the contracts for the work should be made at the lowest cash prices, and the work should be done under the direction of the trustees of the Berdell mortgage.

I might feel less confidence in these objections if the bill presented the only or the best plan for protecting the Commonwealth as a bondholder, or for securing to all parties in interest the best results now attainable from this enterprise. In the present bankrupt condition of the corporation, I cannot think it safe or wise for the State to give any further aid to the building of the road west of the Connecticut River. It may, however, be well for the legisla-

ture to consider whether some plan may not be devised by which the State may aid in filling the flats, and completing the road to Willimantic. If the corporation should place its property and franchises in the hands of the Berdell trustees for this purpose, and if the creditors receive for the amounts due them second mortgage bonds authorized to an amount sufficient to cover valid claims, it seems to me that all the commercial results at present available might be secured, and that the income of this as part of the shortest line to New York would give a greater value to the Berdell bonds than any plan which contemplates expenditures west of the Connecticut River. This would be almost exclusively a Massachusetts road, and in the development of local industries would promote ulterior advantages which would serve to diminish the ultimate loss on our scrip.

Farther than this, I suggest that if the bondholders place in the hands of the Berdell trustees, bonds or other means to be applied west of the Connecticut River, the completion of the enterprise might be secured.

Of course, these suggestions involve the voluntary acquiescence of the corporation and the creditors. Refusal on their part would invite, if not compel, foreclosure.

Having always taken a deep interest in the success of this enterprise, and still entertaining a firm faith in its future, I make these suggestions as the best that occur to me, disclaiming at the same time any desire to interfere with the course of the legislature, but with a strong conviction that they furnish the most practical solution of the problem.

Like all public enterprises tending to develop the resources of the State, this company has been generously encouraged by the legislature. The road is of great importance to the Commonwealth and should be speedily completed.

It opens new channels of communication to the Middle States and the West. It brings us into closest connection with our thriving sister States, Rhode Island and Connecticut. It cannot fail to be quite as important to them as to us, and why should they not aid in its completion?

Whether it is profitable to the owners or not, it will add to the wealth of the cities and villages along the route, and to that of our chief city, whose people have furnished so much means to build it.

But, great as are these advantages, they are not to be counted for a moment if the State is to be disgraced by silent acquiescence in the course of deception, speculation and fraud practised by the managers of the company. Massachusetts will no longer be recognized as a leader in educa-

tion, culture and enterprise, and in that spotless integrity in the administration of public affairs which has hitherto made her name stand with high honor among her sister States, if she does not rebuke the misappropriation of public funds and the betrayal of sacred trusts. Our money has been put in peril by others ; but let us not suffer them also to put our reputation and honor in jeopardy. Let all applicants for franchise or assistance fully understand that no countenance whatever will be given to deceit, fraud or diversion of funds, by the managers of corporations. The good name of the Commonwealth and the highest interests of society demand that such misconduct, now and hereafter, shall be visited with the severest reprobation.

CHANGE OF NAMES.

CHANGE OF NAMES OF PERSONS.

[In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following changes of names have been received at the Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts, in their respective Counties.]

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1869.			
January 4, . . .	Alfred Gibbons,* . . .	Edward Abner Joseph, . . .	Newton.
" 11, . . .	Lydia Ann Mason,* . . .	Lydia Ann Chase, . . .	Stratton, N. H.
" 25, . . .	Anna Orr, . . .	Annie Hillborn, . . .	Boston.
February 1, . . .	Bertha Eastman,* . . .	Mary Eloise Coates, . . .	Charlestown.
" 1, . . .	Charles Henry O'Brine, . . .	Charles Henry Doolin, . . .	Boston.
" 8, . . .	Emma Augusta Maxwell, . . .	Emma Augusta Tirrill, . . .	Boston.
" 8, . . .	Julia Edwina Maxwell, . . .	Julia Edwina Tirrill, . . .	Boston.
" 8, . . .	Virginia Randall, . . .	Alice Brockway, . . .	Boston.
" 15, . . .	Mary Brennan, . . .	Mary Raftery, . . .	Boston.
" 15, . . .	Fannie Isadore Frye, . . .	Fannie Leighton, . . .	Boston.
March 1, . . .	Theresa Althea Lynch, . . .	Theresa Althea Hull, . . .	Boston.

March 1,	Francis Stockwell Dam,	Franklin Bernard Ingalls,	Boston.
" 1,	Albert Dickinson,	Albert Edward Dickinson,	Boston.
" 22,	Mary Delia Harris,	Mary Azelia Lesur,	Boston.
" 20,	Eugene Herbert Dam,	Eugene Herbert Ingalls,	Boston.
" 20,	Isabella Cornelia Dam,	Isabella Cornelia Ingalls,	Boston.
" 20,	Sarah Eaton Dam,	Sarah Eaton Ingalls,	Boston.
" 29,	Mary Louise Dam,	Mary Louise Ingalls,	Boston.
April 5,	John Donovan,	John Franklin Dearington,	Boston.
May 24,	Mary Ann Holland,*	Ann Mary Doherty,	Fall River.
" 31,	Margaret Theresa Stanley,*	Margaret O'Connor,	Malden.
August 16,	Lizzie Maria Oliver,	Lizzie Maria Stone,	Boston.
" 23,	Mary Brown,	Mary McCann,	Boston.
" 30,	Annie Goodnow,*	Grace Somes Welch,	Concord.
" 30,	William Henry Kernachan,	William Henry Kenyon,	Boston.
September 6,	Elizabeth L. Hastings,*	Elizabeth L. Parmelee,	Chicago, Ill.
" 20,	Elizabeth Koebe,	Elizabeth Luttmann,	Boston.
" 27,	Sherman Leland,	William Sherman Leland,	Boston.
October 11,	Agnes Dorsey,	Agnes Sylvester,	Boston.
" 18,	Elizabeth Ann Edwards,*	Mary Eva Adams,	Newport, R. I.

* Minors: names changed by reason of adoption.

SUFFOLK COUNTY—*Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1869.			
October 18, .	Leonora Isabel Silva,	Leonara Martin,	Boston.
" 25, .	Julius Everett Jongenell,	Julius Everett Jongenell Bechthold,	Boston.
November 29, .	Edward Livingston Dana,	Edward Livingston Underwood,	Boston.
" 29, .	Betsey Fuller, otherwise called Betsey Blair,*	Gertrude Gwynne,	Brookline.
" 30, .	Carrie Sullivan,	Carrie Lincoln Jenness,	Boston.
December 4, .	Mary Louise Rose,*	Mary Louise Eysen,	Charlestown.
" 13, .	Annie Rose Delony,*	Annie Rose Townsend,	Athens, Ga.
" 13, .	Roberto Willard,	Rupert Foye,	Boston.
" 27, .	Charles Augustus Newman White,	Charles Newman White,	Winthrop.
ESSEX COUNTY.			
January 5, .	Elizabeth Ann Coblents,*	Elizabeth Cheever,	Beverly.
" 5, .	Etta Frances Coblents,*	Henrietta Stanwood Heron,	Beverly.
February 16, .	Ellen Augusta Haskins,*	Ellen Augusta Sanborn,	Rockport.
March 9, .	Nellie L. Jack,*	Nellie L. Nickerson,	Haverhill.

April 13,	.	.	Martha A. Gray,*	.	.	.	Martha A. Doe,	.	.	.	Rockport.
" 13,	.	.	John Shaw,*	.	.	.	John Daniel Jacobs,	.	.	.	Gloucester.
May 18,	.	.	Frederic Hoyt,*	.	.	.	Frederic E. Blye,	.	.	.	Haverhill.
" 18,	.	.	George Louisa Messer,*	.	.	.	Carrie Louisa Bott,	.	.	.	Peabody.
July 6,	.	.	Bailey Brown,*	.	.	.	Frank Bailey Currier,	.	.	.	Anesbury.
August 2,	.	.	Emily Josephine Sanborn,	.	.	.	Sarah Emily Sanborn,	.	.	.	Lynn.
" 3,	.	.	Orlando Eugene Holmes,*	.	.	.	William Orlando Dufreme,	.	.	.	Haverhill.
" 20,	.	.	Martha Gray Fabens,	.	.	.	Martha Webster Fabens,	.	.	.	Salem.
September 14,	.	.	Annie J. Smith,*	.	.	.	Annie S. Knox,	.	.	.	Lawrence.
" 17,	.	.	Anna Cogswell Brown,*	.	.	.	Anna Cogswell Gardiner,	.	.	.	Essex.
" 21,	.	.	William Janes,*	.	.	.	William Webster Spofford,	.	.	.	Georgetown.
October 5,	.	.	Etta Frances Moore,*	.	.	.	Etta Moore Fowler,	.	.	.	Salem.
" 18,	.	.	William Franklin Cloon,*	.	.	.	William Franklin Millett,	.	.	.	Marblehead.
December 16,	.	.	Ellen Frances Cheever,*	.	.	.	Ellen Frances Ramsdell,	.	.	.	Stonham.
" 27,	.	.	Willie B. Atkins,*	.	.	.	Willie B. Butman,	.	.	.	Marblehead.

MIDDLESEX COUNTY.

February 23,	.	.	Cora Elizabeth Drew,*	.	.	.	Cora Elizabeth Pebbles,	.	.	.	Natick.
" 23,	.	.	Anna E. Mott,*	.	.	.	Anie Elizabeth Roberts,	.	.	.	Malden.

* Minors : names changed by reason of adoption.

CHANGE OF NAMES.

MIDDLESEX COUNTY—Continued.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1869.			
March 9, . . .	Thomas Wallace,*	Thomas Dunn, . . .	Marlborough.
" 16, . . .	A female child,*	Nettie Blanche Wright,	Lowell.
April 6, . . .	Margaret Logue,*	Annette Fracker, . . .	Cambridge.
" 6, . . .	Cora May Boynton,*	Mabel Perry, . . .	Natick.
" 6, . . .	Helen Catherine Campbell,*	Helen Catherine Baldwin,	Charlestown.
" 13, . . .	A female child,*	Annie Mansfield Stott, . .	Lowell.
" 13, . . .	Calvin George Pratt,*	George Calvin Sawyer,	Concord.
" 13, . . .	Minnie J. Atwood,*	Minnie J. Farnham, . . .	Lowell.
" 27, . . .	Rufus Schwartz Fenerty,*	Frederic Southgate Beck,	Somerville.
" 27, . . .	A female child,*	Adah Emerson Bates, . . .	Cambridge.
May 11, . . .	John Harrold,*	John Harrold Connolly,	Lowell.
" 18, . . .	Frank Ward Smith,*	Frank Smith Gerard, . . .	Cambridge.
" 25, . . .	John Edwards,*	John Parker Edwards, . .	Cambridge.
" 25, . . .	Emilie A. Jackson,*	Emilie Adeline Hunt, . . .	Reading.
June 8, . . .	Lorena Kitchen,*	Lorena Campbell, . . .	Lowell.
" 22, . . .	Augusta Gardner,*	Addie Sophia Berry, . . .	Charlestown.
" 22, . . .	Norman Stygles, . . .	George Henry Webber,	Woburn.

July 6,	William Knapp,*	William Ellery Savage,	Lowell.
" 13,	Benjamin F. Hoar,	Benjamin Franklin Wellington,	Lincoln.
" 27,	Delmena Hill,*	Ida Minnie Foster,	Charlestown.
" 27,	Edmund Taylor,	Edmund Morton Taylor,	Hudson.
" 27,	Charles Damon Welsh,	Charles Damon Weld,	Wakefield.
" 27,	Stephen Peirce Welsh,	Stephen Peirce Weld,	Wakefield.
" 27,	William Franklin Welsh,	William Franklin Weld,	Wakefield.
September 7,	A female child,*	Alice Story Hatch,	Newton.
" 28,	Edward A. Allbright,*	Edward Augustus Walton,	Pepperell.
" 28,	Augustus Henry Goupee,	Augustus Goupille Wesley,	Cambridge.
October 5,	Eva Alice Howard,*	Eva Alice Colburn,	Lowell.
" 12,	Frederick Alanson Ricker,*	Frederick Alanson McCausland,	Brighton.
" 12,	William Henry McMichael,	William Henry Reed,	Charlestown.
" 12,	Christina McMichael,	Christina Reed,	Charlestown.
" 12,	Henry Wilbur McMichael,	Henry Wilbur Reed,	Charlestown.
" 26,	Mary Ellen Regan,*	Albena Nailer,	Malden.
November 23,	Lillie P. Eginton,*	Lillie Taylor Eginton Warren,	Waltham.
" 23,	Susan Simonds Monroe,	Susan Simonds Barnard,	Woburn.
" 23,	Ira Tuttle Gates,	Ira George Gates,	Cambridge.

* Minors: names changed by reason of adoption.

MIDDLESEX COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1869.			
December 7, .	Harry Edgar Martin,*.	Harry Edgar Putney, .	Cambridge.
" 7, .	Emma Louisa Davis,*.	Emma Louisa Walker, .	Natick.
" 7, .	Clara Jane Greenwood,*.	Clara Jane Greenwood Coolidge, .	Cambridge.
" 14, .	Harriet H. Hill,*.	Hattie Henrietta Evans, .	Ashland.
" 14, .	Jane Louisa Hill,*.	Jennie Louisa Evans, .	Ashland.
" 28, .	Mary McLaughlin,*.	Margaret Ann Hartness, .	Cambridge.

WORCESTER COUNTY.

January 5, .	George Irving Baily, .	George Irving Leland, .	Upton.
" 5, .	Phebe Josephine Wright, .	Josephine Elizabeth Remington, .	Northbridge.
February 2, .	—, .	Addison Miller Moores, .	Hubbardston.
March 2, .	Nettie Gibson, .	Nettie Electa Wallis, .	Ashburnham.
" 2, .	Joshua A. Lane, .	Frank A. Hadley, .	Ashburnham.
" 2, .	Rachel Sarah Cold, .	Lucy Sarah Goddard, .	Westborough.
April 6, .	Eloise Jane Leithead, .	Lucinda Howe Houghton, .	Berlin.
May 18, .	Sarah Ann Fisher, .	Sarah Ann Fay, .	Clinton.

May 25,	.	Mark Wm. Loui Tucker,	.	.	Mark William Loui Phillips,	.	Grafton.
June 15,	.	George Bryant,	.	.	Frank W. Bradford,	.	Worcester.
July 6,	.	Bessie Taylor,	.	.	Lillie Bessie Houghton,	.	Worcester.
September 7,	.	Mary A. Goodenough,	.	.	Mary Alice Hutchinson,	.	Fitchburg.
" 7,	.	Frederick Justin Byrne,	.	.	Frederick Justin Byrne Adams,	.	Worcester.
" 7,	.	Annie Warren Stewart,	.	.	Annie Warren Kennedy,	.	Worcester.
" 28,	.	Laura S. Snow,	.	.	Laura Sophia Snow Woods,	.	Leominster.
" 28,	.	Ann Lillie Haskell,	.	.	Ann Lillie Dixon,	.	Webster.
October 5,	.	Lillian M. Hobson,	.	.	Lillian May Hildreth,	.	West Boylston.
" 13,	.	Elizabeth Kelly,	.	.	Bessie Agnes Brown,	.	Barre.
" 19,	.	Patrick McQue,	.	.	Patrick Colman,	.	Fitchburg.
" 19,	.	Catherine Griffin,	.	.	Catherine Griffin Carney,	.	Spencer.
November 2,	.	Lottie Hawes,	.	.	Lottie McFarland,	.	Worcester.
December 7,	.	Mabel A. Hawes,	.	.	Ellen Mabel Wheeler,	.	New Braintree.
" 21,	.	Hattie E. Lovewell,	.	.	Hattie Eliza Lovewell Whitney,	.	Gardner.
" 21,	.	Clara Hale,	.	.	Clara Alice Jones,	.	Worcester.
" 21,	.	George Aaron Parmenter,	.	.	Charles William Ross,	.	Leominster.
" 21,	.	Addie Wood,	.	.	Addie C. Lamb,	.	Auburn.

* Minors: names changed by reason of adoption.

HAMPSHIRE COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1869.			
January 5, . . .	Charles A. Killany, . . .	Charles A. Lilly, . . .	Huntington.
February 2, . . .	Jennie E. Baldwin, . . .	Jennie E. Manchester, . . .	Northampton.
April 13, . . .	Emma Maria Holmes, . . .	Emma Ida Humphrey, . . .	Northampton.
June 1, . . .	Willie Bemis, . . .	Willie Bisbee, . . .	Easthampton.
" 1, . . .	Albert D. Reed, . . .	Albert D. Sanders, . . .	Northampton.
December 7, . . .	Mary Augusta Weeks, . . .	Ada Louisa Russell, . . .	Northampton.

HAMPDEN COUNTY.

March 2, . . .	Lizzie E. Noble,* . . .	Nellie Eggleston, . . .	Westfield.
May 4, . . .	Lydia Melvina Warner,* . . .	Lydia Melvina Warner Shaw, . . .	Palmer.
July 6, . . .	Sarah Nelly Sands,* . . .	Ellen Sands Bridgman, . . .	Springfield.
September 7, . . .	Carrie A. Clark,* . . .	Carrie Isabella Bush, . . .	Springfield.
" 20, . . .	Annie Cora Wells,* . . .	Annie Cora Higgins, . . .	Chicopee.
October 18, . . .	Mary McKeever,* . . .	Mary McKechnie, . . .	Springfield.
November 3, . . .	Jane Charlesworth,* . . .	Jennie Edith Clapp, . . .	Holyoke.
" 3, . . .	Hattie Adella Potter,* . . .	Hattie Adella Wheeler, . . .	Holyoke.

FRANKLIN COUNTY.

January 5, . . .	James H. Hunt, . . .	James Hicks, . . .	Rowe.
" 9, . . .	Edmund B. Hawkes, . . .	Edwin Benent Meekins, . . .	Buckland.
May 4, . . .	Kate D. Duval, . . .	Stella Angie Hobart, . . .	Sunderland.
" 4, . . .	Nellie Hortense Baldwin Smedley, . . .	Nellie Mary Haman, . . .	Shelburne.
August 3, . . .	Rhoda Rosanna Chloe Harris, . . .	Rosie Chloe Pike, . . .	Wendell.
September 7, . . .	Hattie Emma Wrisley, . . .	Hattie Wrisley Watorman, . . .	Shutesbury.
October 27, . . .	Mary B. Harris, . . .	Mary Estella Reniff, . . .	Buckland.

BERKSHIRE COUNTY.

February 2, . . .	Dele Prudom, . . .	Julia Tromble, . . .	Pittsfield.
April 6, . . .	A foundling child with no known name, . . .	Belle Inez Wood, . . .	Lancashire.
May 4, . . .	Carrie Stone, . . .	Carrie Howard, . . .	Adams.

NORFOLK COUNTY.

January 13, . . .	Nellie McLane,* . . .	Carrie Ada Derry, . . .	Quincy.
February 10, . . .	Nellette F. Jackson,* . . .	Nellie Florence Partridge, . . .	Bellingham.

* Minors: names changed by reason of adoption.

NORFOLK COUNTY—*Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1869.			
March 3, . . .	Betsey Spear,*	Caroline Frances Newcomb,	Quincy.
" 9, . . .	John B. Brady,*	John B. Leddy, . . .	Canton.
" 10, . . .	Anna M. Gilmore,*	Anna M. White, . . .	Medway.
" 31, . . .	A founding,*	Myrilla Geneva Fisk, . . .	Medway.
June 23, . . .	Catharine Barrett,*	Catharine Farrelly, . . .	West Roxbury.
July 6, . . .	Willie Kimball,*	Albert C. Davis, . . .	Dorchester.
September 8, . . .	Mary H. Newhall,*	Mary Harriet Holmes, . . .	Canton.
" 22, . . .	Maud Claverie,*	Maud Claverie O'Neil, . . .	Dorchester.
November 17, . . .	Charles Simeon Fisher,*	Albert Jarvis Hastings, . . .	Medway.
" 17, . . .	Margaret K. Mixer,*	Margaret Kimball, . . .	Stoughton.
" 24, . . .	Mary Ann Metcalf,*	Harriet Mary Ann Metcalf Gay,	Franklin.
" 24, . . .	Maud E. Page, . . .	Mary Elizabeth Page, . . .	Dorchester.
December 1, . . .	Benjamin Clark Cutler Hardwick,	Benjamin Cutler Hardwick, . . .	Quincy.

BRISTOL COUNTY.

February 19,	.	Adelaide E. Francis,	.	.	Annie Louisa Lincoln, .	.	Mansfield.
March 5,	.	Sarah J. Francis, .	.	.	Jennie Augusta Lincoln,	.	Mansfield.
May 7,	.	Gertrude A. Aliff,	.	.	Gertrude A. Paine,	.	Taunton.
" 21,	.	Ruth Ann Milne, .	.	.	Mary Lee Horton,	.	Taunton.
" 21,	.	Pardon G. Booth,	.	.	Pardon Booth Gifford, .	.	Easton.
June 4,	.	Nameless child, .	.	.	Mary Emily Perry,	.	Somerset.
July 9,	.	George T. Dwelly,	.	.	George Dwelly, .	.	New Bedford.
August 6,	.	Laura J. Brightman,	.	.	Laura A. Sisson, .	.	Westport.
September 3,	.	Adrianna Frances Hinds,	.	.	Adrianna Frances Strange, .	.	Taunton.
" 3,	.	Nameless child, .	.	.	Walter L. Weaver,	.	New Bedford.
February 5,	.	Thomas J. Backus,	.	.	Thomas J. Taylor,	.	New Bedford.
November 5,	.	Gustave Bouffanais,	.	.	Gustave Tripp, .	.	Taunton.

PLYMOUTH COUNTY.

January 11,	.	Antoinette Thomas Smith,*.	.	.	Antoinette Thomas Brett,	.	Bridgewater.
March 8,	.	Unknown,*.	.	.	Lydia Cushing, .	.	Kingston.
November 8,	.	Sarah M. Clapp,*	.	.	Eliza Warren Tilden, .	.	Marshfield.

* Minors: names changed by reason of adoption.

PLYMOUTH COUNTY—*Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1869.			
June 28, . . .	Patrick Casey, . . .	Henry Casey, . . .	E. Bridgewater.
1867.			
March 11, . . .	Hattie A. Whitcomb,† . . .	Hattie Whitcomb Peterson, . . .	Duxbury.

DUKES COUNTY.

1869.			
July 19, . . .	Andrew R. Luce,* . . .	Charles L. Wicks, . . .	Tisbury.

* Minors: names changed by reason of adoption.

† Omitted by mistake in 1867; minor: changed by reason of adoption.

No returns have been received from the Judges of Probate for Barnstable and Nantucket Counties.

THE
CIVIL GOVERNMENT

OF THE

Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR

1870.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY
WILLIAM CLAFLIN,
GOVERNOR.
CHARLES H. TAYLOR, *Private Secretary.*

HIS HONOR
JOSEPH TUCKER,
LIEUTENANT-GOVERNOR.

COUNCIL—(By Districts.)

I.—MARSHALL S. UNDERWOOD.	V.—ROLAND G. USHER.
II.—WILLIAM L. REED.	VI.—JONATHAN B. WINN.
III.—HENRY G. CROWELL.	VII.—CHARLES ADAMS, JR.
IV.—PETER HARVEY.	VIII.—SYLVANDER JOHNSON.

OLIVER WARNER,
SECRETARY OF THE COMMONWEALTH.
CHARLES W. LOVETT, *1st Clerk.* BENJAMIN C. PIPER, *2d Clerk.*

JACOB H. LOUD,
TREASURER AND RECEIVER-GENERAL.
DANIEL H. ROGERS, *1st Clerk.* ARTEMAS HARMON, *2d Clerk.*

CHARLES ENDICOTT,
AUDITOR.
EDWARD S. DAVIS, *1st Clerk.* AUGUSTUS BROWN, *2d Clerk.*

CHARLES ALLEN,
ATTORNEY-GENERAL.
JAMES C. DAVIS, *Assistant Attorney-General.*

LEGISLATIVE DEPARTMENT.

GENERAL COURT:

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1866.

SENATE.

President—HORACE H. COOLIDGE.

District.	Name of Senator.	Residence.
First Suffolk, . .	Jeremiah H. Pote, . .	Boston.
Second " . .	Alonzo M. Giles, . .	Boston.
Third " . .	Ellis W. Morton, . .	Boston.
Fourth " . .	Horace H. Coolidge, . .	Boston.
Fifth " . .	James A. Fox,	Boston.
Sixth " . .	Patrick A. Collins, . .	Boston.
First Essex, . .	William W. Kellogg, . .	Lynn.
Second " . .	Nathaniel J. Holden, . .	Salem.
Third " . .	Joseph S. Howe,	Methuen.
Fourth " . .	Orlando B. Tenney, . .	Georgetown.
Fifth " . .	Frederick Willcomb, . .	Ipswich.
First Middlesex, . .	Francis Thompson, . .	Charlestown.
Second " . .	James Pierce,	Malden.
Third " . .	William W. Warren, . .	Brighton.
Fourth " . .	Edmond Dowse,	Sherborn.
Fifth " . .	John Fletcher, Jr., . .	Acton.

District.	Name of Senator.	Residence.
Sixth Middlesex, .	Joseph G. Pollard, . .	Woburn.
Seventh " .	Benjamin F. Clark, . .	Chelmsford.
First Worcester, .	George M. Rice, . . .	Worcester.
Second " .	Charles A. Wheelock, . .	Uxbridge.
Third " .	George W. Johnson, . .	Brookfield.
Fourth " .	George M. Buttrick, . .	Barre.
Fifth " .	Henry C. Greeley, . .	Clinton.
First Hampden, .	Charles R. Ladd, . . .	Springfield.
Second " .	W. W. Jenness, . . .	Chicopee.
Hampshire, . . .	Stephen M. Crosby, . .	Williamsburg.
Franklin, . . .	Andrew J. Clark, . . .	Orange.
Berkshire, . . .	Charles J. Kittredge, . .	Hinsdale.
Berksh'e & Hampshire,	Joseph A. Benjamin, . .	Egremont.
First Norfolk, . .	George H. Monroe, . . .	Boston.
Second " . .	Waldo Colburn, . . .	Dedham.
Third " . .	James H. Leland, . . .	Walpole.
First Plymouth, .	James G. Sproat, . . .	Wareham.
Second " . .	Jacob Bates, . . .	East Bridgewater.
Norfolk & Plymouth, .	Francis A. Hobart, . . .	Braintree.
First Bristol, . .	Stephen H. Rhodes, . .	Taunton.
Second " . .	John A. Hawes, . . .	Fairhaven.
Third " . .	John B. Hathaway, . .	Fall River.
Cape, . . .	Nathaniel E. Atwood, . .	Provincetown.
Island, . . .	George A. King, . . .	Barnstable.

STEPHEN N. GIFFORD, *Clerk.*

J. O. MEANS, of Boston, *Chaplain.*
 JOHN MORISSEY, *Sergeant-at-Arms.*

HOUSE OF REPRESENTATIVES.

Speaker—HARVEY JEWELL.

COUNTY OF SUFFOLK.

District.	Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1,	{ Dexter A. Tompkins, Sydney F. Whitehouse, Hedgdon F. Buzzell,	Boston. " "
2d,	Boston, Ward 2,	{ Michael Carney, . James O. Fallon, . John Drynan, .	Boston. " "
3d,	Boston, Ward 3,	{ Thomas J. Gargan, . Michael F. Wells, . Thomas L. Jenks, .	Boston. " "
4th,	Boston, Ward 4,	{ Charles R. Train, . Daniel H. Whitney, . S. Frank Crockett, .	Boston. " "
5th,	Boston, Ward 5,	{ Dennis J. Gorman, . Charles L. Woodbury, Jeremiah J. Driscoll, .	Boston. " "
6th,	Boston, Ward 6,	{ Harvey Jewell, . George L. Ruffin, . Hugh Flood, .	Boston. " "
7th,	Boston, Ward 7,	{ Hugh A. Madden, . John E. Fitzgerald, . Patrick Barry, .	Boston. " "
8th,	Boston, Ward 8,	{ Amasa W. Bailey, . John D. Weld, . William H. Cundy, .	Boston. " "
9th,	Boston, Ward 9,	{ L. Miles Standish, . George Nowell, .	Boston. "
10th,	Boston, Ward 10,	{ Timothy Davis, . Noble H. Hill, .	Boston. "

HOUSE OF REPRESENTATIVES.

COUNTY OF SUFFOLK—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	Boston, Ward 11, . . . {	James Hoswell, . . . Solomon Carter, . . . Samuel J. Tuttle, . . .	Boston. " "
12th,	Boston, Ward 12, . . . {	Robert Johnson, . . . Francis James, . . .	Boston. "
13th,	{ Chelsea, . . . North Chelsea, . . . Winthrop, . . . }	Andrew L. Haskell, . . . Caleb Lombard, . . . John H. Roberts, . . .	Chelsea. " "

COUNTY OF ESSEX.

1st,	{ Salisbury, . . . Amesbury, . . . West Newbury, . . . }	William H. Ames, . . . William Merrill, . . .	Salisbury. West Newbury.
2d,	{ Haverhill, . . . Bradford, . . . }	Charles J. Goodwin, . . . Henry A. Lord, . . . Luther G. Morrison, . . .	Haverhill. " "
3d,	{ Lawrence, . . . Methuen, . . . }	John K. Tarbox, . . . Patrick Sweeney, . . . Robert Bower, . . .	Lawrence. " "
4th,	{ Andover, . . . North Andover, . . . }	Edward Taylor, . . .	Andover.
5th,	{ Georgetown, . . . Groveland, . . . Boxford, . . . }	Zenas C. Wardwell, . . .	Groveland.
6th,	{ Newburyport, . . . Newbury, . . . }	David T. Woodwell, . . . Horace Choate, . . . George J. L. Colby, . . .	Newburyport. " "
7th,	{ Ipswich, . . . Rowley, . . . }	Wesley K. Bell, . . .	Ipswich.
8th,	{ Gloucester, . . . Essex, . . . }	William A. Pew, . . . John Ayars, Jr., . . . William H. Mears, . . .	Gloucester. " Essex.
9th,	Rockport, . . .	William Marchant, . . .	Rockport.
10th,	{ Beverly, . . . Manchester, . . . Hamilton, . . . }	Henry P. Moulton, . . . Nathan H. Webb, . . .	Beverly. "

COUNTY OF ESSEX—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	{ Danvers, . . . } { Wenham, . . . }	Abbott Johnson, .	Wenham.
12th,	Peabody, . . .	Robert S. Daniels, .	Peabody.
13th,	{ Salem, Wards 1, 2 } { and 3, . . . }	John Barlow, . . . Samuel Calley, . . .	Salem. “
14th,	Salem, Wards 4 and 6,	William Cogswell, .	Salem.
15th,	{ Marblehead, and } { Ward 5, Salem, . }	George H. Martin, . William H. Wormstead,	Marblehead. “
16th,	{ Lynn, Ward 4, and } { Nahant, . . . }	Peter M. Neal, . .	Lynn.
17th,	Lynn, Wards 2 and 5,	John W. Blaney, .	Lynn.
18th,	{ Lynn, Ward 3, and } { Swampscott, . . }	Orrin Hewes, . .	Lynn.
19th,	{ Lynn, Wards 1, 6 } { and 7, . . . }	Daniel N. Barrett, .	Lynn.
20th,	{ Saugus, . . . } { Lynnfield, . . } { Middletown, . . } { Topsfield, . . }	John Armitage, .	Saugus.

COUNTY OF MIDDLESEX.

1st,	Charlestown, Ward 1,	Samuel S. Willson, .	Charlestown.
2d,	Charlestown, Ward 2, {	Thomas B. Harris, . Marshall N. Cutter, .	Charlestown. “
3d,	Charlestown, Ward 3, {	Samuel D. Sawin, . John A. Day, . . .	Charlestown. “
4th,	{ Somerville, . . . } { Malden,* . . . }	George P. Cox, . . Joseph M. Russell, . Selwin Z. Bowman, .	Malden. “ Somerville.

* Town of Everett incorporated March 9, 1870, embracing a portion of the town of Malden. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

HOUSE OF REPRESENTATIVES.

COUNTY OF MIDDLESEX—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	Medford, . . .	James A. Hervey, .	Medford.
6th,	{ Arlington, . . . Winchester, . . . }	Jesse Bacon, . . .	Arlington.
7th,	{ Cambridge, Ward 1, . " " Ward 5, . }	James R. Morse, .	Cambridge.
8th,	{ Cambridge, Ward 2, . " " Ward 4, . }	Curtis Davis, . . . Joseph Newmarch, . Alonzo B. Wentworth, .	Cambridge. " "
9th,	Cambridge, Ward 3,	Charles J. McIntire, .	Cambridge.
10th,	{ Newton, Brighton, }	John B. Goodrich, . James J. Walworth, .	Newton. "
11th,	{ Watertown, . . . Belmont, }	Luke Perkins, . . .	Watertown.
12th,	Waltham, . . .	Horatio Moore, . .	Waltham.
13th,	Natick,	Newton Morse, . . .	Natick.
14th,	{ Holliston, . . . Sherborn, }	Elias Bullard, . . .	Holliston.
15th,	{ Hopkinton, . . . Ashland, }	Eliakim A. Bates, .	Hopkinton.
16th,	Framingham, . .	Theodore C. Hurd, .	Framingham.
17th,	Marlborough, . .	Edward L. Bigelow, .	Marlborough.
18th,	{ Hudson, Stow, Boxborough, . . . Littleton, }	James L. Harriman, .	Hudson.
19th,	{ Acton, Sudbury, Wayland, }	Thomas P. Hurlbut, .	Sudbury.
20th,	{ Concord, Lincoln, Weston, }	Samuel H. Pierce, .	Lincoln.

COUNTY OF MIDDLESEX—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
21st,	{ Lexington, . . . } Bedford, . . . } Burlington, . . . } Carlisle, . . . }	William Winn, . .	Burlington.
22d,	Woburn, . . .	William T. Grammer,	Woburn.
23d,	{ Stoneham, . . . } Wakefield, . . . } Melrose, . . . }	Samuel C. Trull, . Benjamin F. Packard,	Stoneham. Wakefield.
24th,	{ Reading, . . . } North Reading, . . . } Wilmington, . . . }	Samuel Pierce, . .	Reading.
25th,	{ Chelmsford, . . . } Billerica, . . . } Tewksbury, . . . }	Sylvester S. Hill, .	Billerica.
26th,	{ Lowell, Ward 1, . . . } “ Ward 2, . . . } “ Ward 6, . . . }	Edward Tuck, . . . Theodore H. Sweetser,	Lowell. “
27th,	Lowell, Ward 3, .	Stephen Wallace, .	Lowell.
28th,	Lowell, Ward 4, .	David Lane, . . .	Lowell.
29th,	Lowell, Ward 5, .	William H. Parker, .	Lowell.
30th,	{ Dracut, . . . } Tyngsborough, . . . } Dunstable, . . . } Westford, . . . }	J. Wesley Marshall, .	Tyngsborough.
31st,	{ Groton, . . . } Pepperell, . . . }	E. Dana Bancroft, .	Groton.
32d,	{ Townsend, . . . } Ashby, . . . } Shirley, . . . }	Samuel R. Damon, .	Ashby.

COUNTY OF WORCESTER.

1st,	{ Ashburnham, . . . } Winchendon, . . . }	William L. Woodcock,	Winchendon.
2d,	{ Royalston, . . . } Athol, . . . }	Benjamin H. Brown,	Royalston.

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Gardner, . . . } { Templeton, . . . }	John M. Moore, .	Gardner.
4th,	{ Petersham, . . . } { Dana, . . . } { Phillipston, . . . } { Hubbardston, . . . } { Barre, . . . } { Hardwick, . . . } { New Braintree, . . . }	James W. Jenkins, . Jubal C. Gleason, .	Barre. Hardwick.
5th,	{ Westminster, . . . } { Fitchburg, . . . } { Lunenburg, . . . } { Leominster, . . . }	Charles H. Merriam, Henry A. Goodrich, . Timothy D. Wood, .	Leominster. Fitchburg. Westminster.
6th,	{ Lancaster, . . . } { Bolton, . . . } { Harvard, . . . }	George A. Parker, .	Lancaster.
7th,	{ Clinton, . . . } { Berlin, . . . } { Northborough, . . . }	Jonas E. Howe, .	Clinton.
8th,	{ Sterling, . . . } { West Boylston, . . . } { Boylston, . . . }	Charles H. Loring, .	Sterling.
9th,	{ Rutland, . . . } { Holden, . . . } { Princeton, . . . } { Oakham, . . . }	Albert W. Lincoln, .	Oakham.
10th,	{ Worcester, Ward 1, } { " Ward 2, } { " Ward 3, } { " Ward 8, } { Paxton, . . . }	John W. Wetherell, . Daniel W. Bemis, . Thomas Earle, .	Worcester. " "
11th,	{ Worcester, Ward 4, } { " Ward 5, } { " Ward 6, } { " Ward 7, }	Edwin T. Marble, . Dorrance S. Goddard, Thomas Gates, .	Worcester. " "
12th,	{ Grafton, . . . } { Shrewsbury, . . . }	Thomas Rice, .	Shrewsbury.
13th,	{ Westborough, . . . } { Southborough, . . . }	William M. Child, .	Westborough.

COUNTY OF WORCESTER—Concluded.

District.	Town.	Name of Representative.	Residence.
14th,	{ Northbridge, . . . } Upton, . . . }	Adams Fiske, . . .	Upton.
15th,	{ Milford, . . . } Mendon, . . . } Blackstone, . . . } Uxbridge, . . . }	Harrison C. Whitmore, A. A. Sherman, Bainbridge Hayward,	Blackstone. Uxbridge. Milford.
16th,	{ Douglas, . . . } Webster, . . . } Dudley, . . . } Oxford, . . . } Sutton, . . . } Millbury, . . . }	Charles H. Page, . . John Rhodes, . . . Moses W. McIntire, .	Webster. Millbury. Oxford.
17th,	{ Auburn, . . . } Leicester, . . . } Spencer, . . . } Charlton, . . . } Southbridge, . . . }	Luther Hill, . . . Lory S. Watson, . .	Spencer. Leicester.
18th,	{ Sturbridge, . . . } Brookfield, . . . } North Brookfield, . . } West Brookfield, . . } Warren, . . . }	Benjamin A. Tripp, . John Harvey Moore, .	Warren. “

COUNTY OF HAMPSHIRE.

1st,	{ Easthampton, . . . } Huntington, . . . } Northampton, . . . } Southampton, . . . } Westhampton, . . . }	William F. Arnold, . Lucas W. Hannum,*.	Northampton. Eastampton.
2d,	{ Chesterfield, . . . } Cummington, . . . } Goshen, . . . } Middlefield, . . . } Plainfield, . . . } Worthington, . . . }	Edward Clarke, . .	Chesterfield.
3d,	{ Hadley, . . . } Hatfield, . . . } Williamsburg, . . . }	Francis Edson, . . .	Hadley.

*Mr. Hannum's death was announced in the House, March 9th. The vacancy was not filled.

HOUSE OF REPRESENTATIVES.

COUNTY OF HAMPSHIRE—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Amherst, . . . } { South Hadley, . . }	Levi Stockbridge, .	Amherst.
5th,	{ Belchertown, . . . } { Granby, . . . } { Pelham, . . . }	Sylvester Jewett, .	Pelham.
6th,	{ Enfield, . . . } { Greenwich, . . . } { Prescott, . . . } { Ware, . . . }	Benjamin F. Angell, .	Ware.

COUNTY OF HAMPDEN.

1st,	{ Monson, . . . } { Brimfield, . . . } { Holland, . . . } { Wales, . . . }	Samuel W. Brown, .	Brimfield.
2d,	{ Palmer, . . . } { Wilbraham, . . . }	Ira G. Potter, .	Wilbraham.
3d,	{ Springfield, Ward 1, } { " Ward 2, } { " Ward 3, }	Emerson Wight, . Justin M. Cooley, .	Springfield. "
4th,	{ Springfield, Ward 4, } { " Ward 6, }	Daniel L. Harris, .	Springfield.
5th,	{ Springfield, Ward 5, } { " Ward 7, } { " Ward 8, }	David Powers, .	Springfield.
6th,	{ Holyoke, . . . } { Chicopee, . . . } { Ludlow, . . . }	Lewis M. Ferry, . Henry A. Pratt, .	Chicopee. Holyoke.
7th,	{ Granville, . . . } { Southwick, . . . } { Agawam, . . . } { West Springfield, . . } { Longmeadow, . . . }	Lester Williams, . Larone Hills, .	W. Springfield. Longmeadow.
8th,	Westfield, . .	Samuel Horton, .	Westfield.
9th,	{ Chester, . . . } { Blandford, . . . } { Montgomery, . . . } { Russell, . . . } { Tolland, . . . }	Dexter Parks, .	Russell.

COUNTY OF FRANKLIN.

District.	Town.	Name of Representative.	Residence.
1st,	{ Warwick, . . . } { Orange, . . . } { New Salem, . . . }	Edward F. Mayo, .	Warwick.
2d,	{ Montague, . . . } { Sunderland, . . . } { Leverett, . . . } { Shutesbury, . . . } { Wendell, . . . }	John H. Davis, .	Shutesbury.
3d,	{ Greenfield, . . . } { Colrain, . . . } { Leyden, . . . } { Bernardston, . . . } { Gill, . . . } { Northfield, . . . } { Erving, . . . }	Ansel C. Smith, . Noah Rankin, .	Colrain. Erving.
4th,	{ Deerfield, . . . } { Shelburne, . . . } { Whately, . . . } { Conway, . . . } { Ashfield, . . . } { Hawley, . . . }	Henry A. Warriner, . Carlos Batchelder, .	Deerfield. Conway.
5th,	{ Buckland, . . . } { Charlemont, . . . } { Heath, . . . } { Rowe, . . . } { Monroe, . . . }	Daniel Gale, .	Heath.

COUNTY OF BERKSHIRE.

1st,	{ Hancock, . . . } { Lanesborough, . . . } { New Ashford, . . . } { Williamstown, . . . }	Benjamin F. Mills, .	Williamstown.
2d,	{ Adams, . . . } { Cheshire, . . . } { Clarksburg, . . . } { Florida, . . . } { Savoy, . . . }	William F. Darby, . Henry J. Barker, .	Adams. "
3d,	{ Dalton, . . . } { Pittsfield, . . . } { Richmond, . . . }	Ensign H. Kellogg, . Samuel A. Churchill, .	Pittsfield. "

HOUSE OF REPRESENTATIVES.

COUNTY OF BERKSHIRE—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Becket, . . . } { Hinsdale, . . . } { Peru, . . . } { Washington, . . . } { Windsor, . . . }	George T. Plunkett, .	Hinsdale.
5th,	{ Lenox, . . . } { Stockbridge, . . . } { West Stockbridge, . . }	Edward McDonald, .	Lenox.
6th,	{ Lee, . . . } { Monterey, . . . } { Otis, . . . } { Tyringham, . . . }	Alanson Crittenden, .	Otis.
7th,	{ Alford, . . . } { Egremont, . . . } { Great Barrington, . . }	Herbert C. Joyner,* .	Gt. Barrington.
8th,	{ New Marlborough, . }	John D. Burtch, .	Sheffield.
	{ Sandisfield, . . . }		
	{ Sheffield, . . . }		

COUNTY OF NORFOLK.

1st,	Dedham,† . . .	John R. Bullard, .	Dedham.
2d,	West Roxbury, .	John W. McKim, .	W. Roxbury.
3d,	{ Roxbury,† Ward 2, . }	Moody Merrill, .	Boston.
	{ " Ward 3, . }	Charles H. Hovey, .	"
	{ " Ward 4, . }	George Putnam, .	"
	{ " Ward 5, . }		
4th,	Roxbury, Ward 1, .	Benjamin Franklin, .	Roxbury.
5th,	Dorchester,† . . }	Henry J. Nazro, .	Dorchester.
		Samuel Atherton, .	"

* Mr. David S. Draper of Great Barrington, who was chosen at the general election, refused to be qualified and take his seat, whereupon the House declared the seat vacant, and Mr. Joyner was elected.

† Town of Hyde Park incorporated April 22, 1868, embracing portions of Districts 1, 5 and 11; Dorchester annexed to Boston in 1869. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

‡ Annexed to Boston in 1867. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

COUNTY OF NORFOLK—Concluded.

District.	Towns.	Name of Representative.	Residence.
6th,	Quincy, . . .	Edmund B. Taylor, .	Quincy.
7th,	Braintree, . .	Henry Mann, . .	Braintree.
8th,	Weymouth, . . {	Charles C. Wilbar, .	Weymouth.
		Franklin Derby, .	"
9th,	Randolph, . .	Cornelius McMahon, .	Randolph.
10th,	Stoughton, . .	George H. Goward, .	Stoughton.
11th,	{ Canton, . . . }	John Sias, . . .	Milton.
	{ Milton,* . . . }		
	{ Walpole,† . . . }		
	{ Sharon, . . . }		
12th,	{ Foxborough, . . }	James E. Carpenter, .	Foxborough.
	{ Wrentham,† . . }		
	{ Medway,† . . }		
13th,	{ Franklin,† . . }	Richard Eddy, . .	Franklin.
	{ Bellingham, . . }		
14th,	{ Needham, . . . }	George K. Daniell, .	Needham.
	{ Medfield, . . . }		
	{ Dover, . . . }		
15th,	Brookline, . .	Alanson W. Beard, .	Brookline.

COUNTY OF BRISTOL.

1st,	Attleborough, . .	Gardner C. Wright, .	Attleborough.
2d,	{ Mansfield, . . }	Frederick A. Mann, .	Mansfield.
	{ Norton, . . . }		
3d,	{ Easton, . . . }	Thomas Bean, . .	Easton.
	{ Raynham, . . }		
4th,	Taunton, . . .	Alfred M. Williams, .	Taunton.
		Alex'er H. Champlin, .	"
		George H. Babbitt, Jr.	"

* Town of Hyde Park incorporated April 22, 1868, embracing portions of Districts 1, 5 and 11.

† Town of Norfolk incorporated February 23, 1870, embracing portions of Wrentham Franklin, Medway and Walpole. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

HOUSE OF REPRESENTATIVES.

COUNTY OF BRISTOL—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	{ Seekonk, . . . } { Rehoboth, . . . } { Dighton, . . . } { Berkley, . . . }	Elisha Davis, . .	Rehoboth.
6th,	{ Somerset, . . . } { Swanzey, . . . } { Freetown, . . . }	Guilford Hathaway, .	Freetown.
7th,	Fall River, . . {	Abraham G. Hart, . George O. Fairbanks, Edward T. Marvell, .	Fall River. " "
8th,	Westport, . . .	Ezra P. Brownell, .	Westport.
9th,	Dartmouth, . . .	William Barker, Jr., .	Dartmouth.
10th,	{ New Bedford, Wards } { 1, 2 and 3, . . . }	Rodney French, . Samuel S. Paine, .	New Bedford. "
11th,	{ New Bedford, Wards } { 4, 5 and 6, . . . }	John A. P. Allen,* . Elijah H. Chisholm, .	New Bedford. "
12th,	{ Fairhaven, . . . } { Acushnet, . . . }	Walter Spooner, .	Acushnet.

COUNTY OF PLYMOUTH.

1st,	{ Cohasset, . . . } { Scituate, . . . }	Andrew J. Waterman,	Scituate.
2d,	{ Hingham, . . . } { Hull, . . . }	Charles N. Marsh, .	Hingham.
3d,	{ South Scituate, . . } { Hanover, . . . } { Hanson, . . . }	Levi Z. Thomas, .	Hanson.
4th,	{ Marshfield, . . . } { Pembroke, . . . } { Halifax, . . . }	Warren Kent, . .	Marshfield.
5th,	{ Duxbury, . . . } { Kingston, . . . }	Hambleton E. Smith,	Duxbury.

* Mr. Allen resigned February 7th, and Mr. Josiah W. Bonney was chosen to fill the vacancy.

COUNTY OF PLYMOUTH—Concluded.

District.	Towns.	Name of Representative.	Residence.
6th,	{ Plymouth, . . . } { Carver, . . . } { Plympton, . . . }	William Bartlett, . Thomas B. Griffith, .	Plymouth. Carver.
7th,	{ Wareham, . . . } { Marion, . . . }	George Sanford, .	Wareham.
8th,	{ Mattapoisett, . . . } { Rochester, . . . } { Lakeville, . . . }	George W. Lobdell, .	Mattapoisett.
9th,	Middleborough, .	Henry H. Shaw, .	Middleboro'.
10th,	{ Bridgewater, . . . } { West Bridgewater, . . }	Lloyd Parsons, .	Bridgewater.
11th,	{ East Bridgewater, . . } { North Bridgewater, . }	Pliny Edson, . Joseph C. Lewis, .	E. Bridew'r. N. "
12th,	Abington, . . . {	Albert Chamberlin, . Jonathan Arnold, Jr.,	Abington. "

COUNTY OF BARNSTABLE.

1st,	{ Barnstable,* . . . } { Sandwich, . . . } { Falmouth, . . . } { Yarmouth, . . . }	Francis A. Nye, . Henry Goodspeed, . Warren Marchant, .	Falmouth. Barnstable. Sandwich.
2d,	{ Dennis, . . . } { Harwich, . . . } { Brewster, . . . }	Shubael B. Kelly, . Joseph K. Baker, Jr.,	Harwich. Dennis.
3d,	{ Chatham, . . . } { Orleans, . . . }	Thomas Holway, .	Chatham.
4th,	{ Eastham, . . . } { Wellfleet, . . . } { Truro, . . . } { Provincetown, . . . }	Joseph P. Johnson, . George T. Wyer, .	Provincetown. Wellfleet.

* Town of Mashpee incorporated May 28, 1870, embracing the territory in Barnstable County known as the district of Marshpee. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

HOUSE OF REPRESENTATIVES.

DUKES COUNTY.

District.	Towns.	Name of Representative.	Residence.
One.	{ Edgartown, . . } { Tisbury, . . } { Chilmark,* . . } { Gosnold, . . }	John W. Mayhew, .	Chilmark.

COUNTY OF NANTUCKET.

One.	Nantucket, . . .	Reuben P. Folger, .	Nantucket.
------	------------------	---------------------	------------

WILLIAM S. ROBINSON, *Clerk.*
 | JOHN MORISSEY, *Sergeant-at-Arms.*
 | J. A. M. CHAPMAN, *Chaplain.*

* Town of Gay Head incorporated April 30, 1870, embracing the territory in Dukes County known as the district of Gay Head. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

JUDICIAL DEPARTMENT.

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CHIEF JUSTICE.

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JAMES D. COLT, *of Pittsfield.*

SETH AMES, *of Boston.*

MARCUS MORTON, *of Andover.*

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CHIEF JUSTICE.

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J. A. WILLARD, Boston, Superior Ct., Civil T.,	
F. H. UNDERWOOD, Boston, Criminal T.,	{ SUFFOLK.
ASAHEL HUNTINGTON, Salem,	
BENJAMIN F. HAM, Winchester,	MIDDLESEX.
JOSEPH MASON, Worcester,	WORCESTER.
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SIMEON BORDEN, Fall River,	BRISTOL.
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JAMES B. CROCKER, Yarmouth,	BARNSTABLE.
RICHARD L. PEASE, Edgartown,	DUKES.
GEORGE COBB, Nantucket,	NANTUCKET.

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SENATORS.

CHARLES SUMNER, *of Boston.*HENRY WILSON, *of Natick.*

REPRESENTATIVES.

DISTRICT I.—JAMES BUFFINGTON, *of Fall River.*II.—OAKES AMES, *of Easton.*III.—GINERY TWICHELL, *of Brookline.*IV.—SAMUEL HOOPER, *of Boston.*V.—BENJAMIN F. BUTLER, *of Gloucester.*VI.—NATHANIEL P. BANKS, *of Waltham.*VII.—GEORGE M. BROOKS, *of Concord.*VIII.—GEORGE F. HOAR, *of Worcester.*IX.—WILLIAM B. WASHBURN, *of Greenfield.*X.—HENRY L. DAWES, *of Pittsfield.*

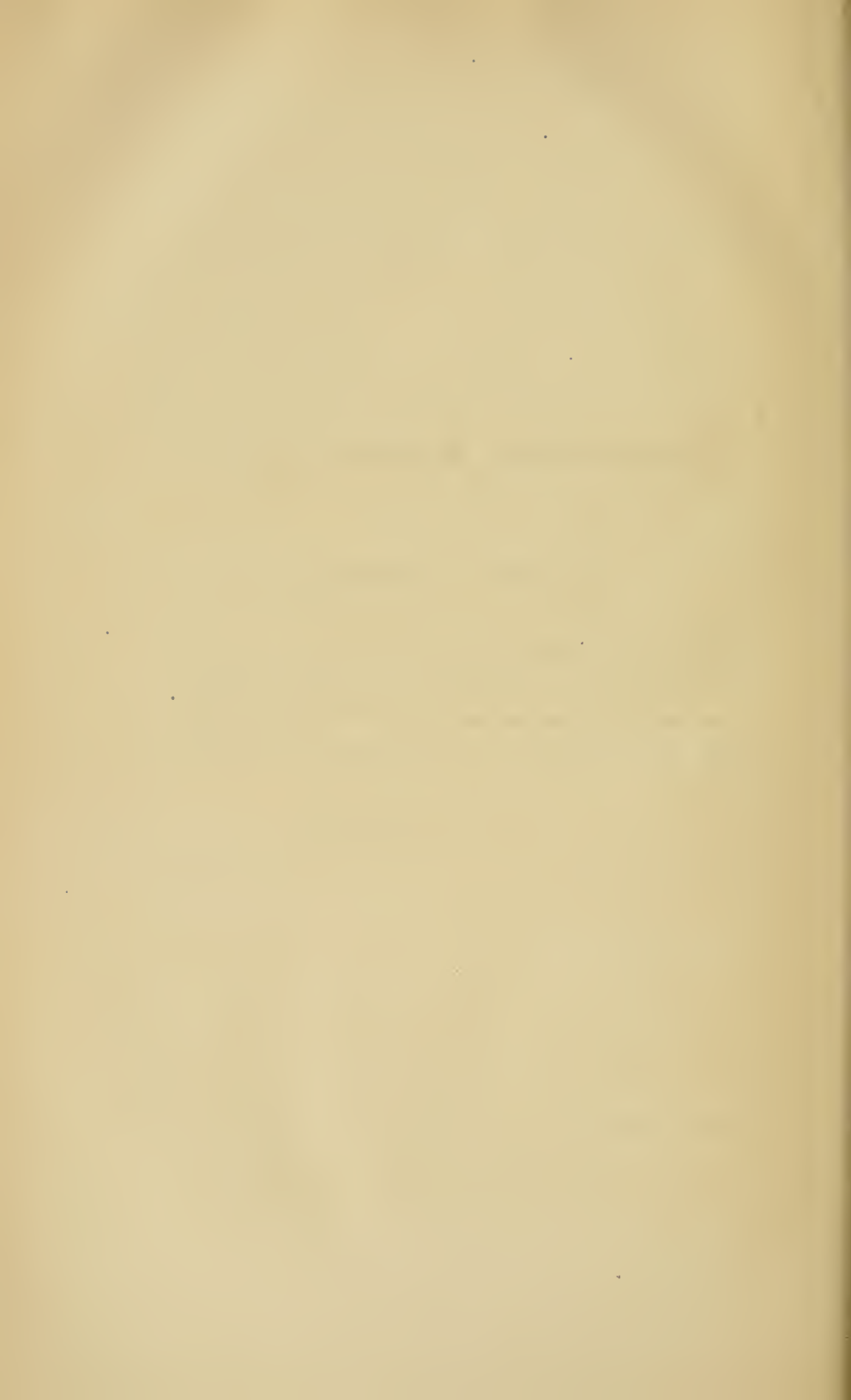
Commonwealth of Massachusetts.

SECRETARY'S DEPARTMENT, BOSTON, }
July 12, 1870. }

I hereby certify the printed Acts and Resolves contained in this volume to be true copies of the originals, and that the accompanying papers and other matters herewith are transcripts of official records and returns in this Department.

OLIVER WARNER,

Secretary of the Commonwealth.



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